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CAUSERIE

BY

Shri F. V. ARUL, B.A., I.P.,

(Deputy Inspector-General of Police, C.I.D., Madras)

A recent newspaper report carried the opinion of a hockey personality of repute that the present leadership of the game at the national level is not equal to its task and that he would undertake to produce results at Tokyo provided the matter of selecting and training the national team is entrusted to him completely without interference from any quarter. He cites the example of Pakistan which is alleged to have given full powers to Dara. No right thinking person can concede this argument. Sports bodies in all countries and at all levels are democratic institutions and they have to function in a democratic manner. They cannot abdicate their functions in favour of a single person who is supposed to be all-knowing and omniscient. It will be a bad day for Indian hockey if the controlling body closes shop and hands over its duties and powers to a single individual. It is, however, agreed that expertise is necessary and the Selection Committee should be composed of persons who have had considerable personal experience of the game and with knowledge of its finer points. If anybody feels that this is not the case at present, it is open to him to canvas opinion for a re-organisation of the Selection Committee. But to demand that all power be vested in a single person is a negation of democratic practice. The country cannot be held to ransom by the whims and fancies of a single individual.

2. The other criticism that has appeared in print elsewhere is that the most disappointing feature of the four recent tournaments conducted in the country, viz., National, Gold Cup, Aga Khan and Beighton is the defensive outlook of the players. It is alleged that they have forgotten the art of scoring goals and that therefore there has been a goal famine in these tournaments. In support of this allegation, the following statistics have been furnished :—

National at Madras –
15 goals in last 8 matches.

Gold Cup at Bombay –
14 goals in 14 matches.

Aga Khan at Bombay –
17 goals in 10 matches.

Beighton at Calcutta –
16 goals in 10 matches.

3. One further argument proffered in support of this thesis is that the cup awarded for the best player in the Gold Cup tournament went to a centre-half (Ataullah Khan of Madras) and not to a forward and that therefore greater stress is being laid on the negative aspect of play. One swallow does not make a summer. May I remind

readers that on the conclusion of the Beighton Cup tournament, the West Bengal Sports Writers Association opined that Joginder Singh (inside right of Mohan Bagan) was the best player of the season ?

4. The writer who has complained about the paucity of goals apparently wants the forward line of every team to pierce the defence of the opposing team in the same manner as a knife cuts through butter. In other words, he holds that a plethora of goals is the only criterion of forward-line efficiency. This is what may be called wishful thinking. One cannot expect the defensive lines of teams to sit back with folded arms while the opposing forwards race through to the goal. The truth of the matter is that teams are more well-matched today than ever before. Can you think of an Indian team rattling up 24 goals today in a single match in any international match as it did at Los Angeles in 1928 ? Standards have improved everywhere and such occurrences are not possible these days. Matches are now fought more evenly but none-the-less keenly. Take, for instance, the final match of the National at Madras. The forwards of both the teams (Indian Railways and Services) gave a scintillating display but there was no glut of goals. Even in international soccer which has reached much higher standards than in the past, the margin of victory or defeat is always small. This does not in any way detract from the efficiency of forwards.

5. It is, however, agreed that the standard of umpiring in the major tournaments of the country must be improved. The organisers appear reluctant to see a good local team lose to an out station team because unless local interest is maintained, it adversely affects the gate. The best solution would be to prescribe non-local umpires for all major tournaments. This principle was adopted at the recent National, whenever Madras figured in a fixture.

Not once or twice in our rough island story
The path of duty was the way to glory.

—*Tennyson.*

*CRIME RECORDS IN A POLICE STATION

BY

Sri N. KRISHNASWAMY, M.Sc., I.P.S.,
(Superintendent of Police, Tirunelveli)

One of your main tasks, when you take charge of a police station, will be the Prevention and Detection of Crime. In order to perform that task well, you must have a thorough knowledge of all aspects of crime in your jurisdiction. The purpose of crime records in a police station is to have all facts of significance in regard to crime in that station so documented as to afford easy reference and study of these facts, and, thereby, give you, on taking charge of the station, a good knowledge of all these facts within a very short time. All informatien of value that you acquire, while in charge of a police station, must likewise be incorporated by you in the crime records of the station, so that that knowledge becomes available to your successors.

The most important crime records in a Police Station are the records entitled "Station Crime History". They contain all information of value in regard to crime and criminals for several years, quite frequently, for several decades in some old police stations. The "Station Crime History" records of Madras State are acknowledged to be one of the most well conceived set of crime records in the country, and are comprised of five parts. Three of them, namely Parts I, III and IV, may be regarded as of fundamental importance. Part I is a chronological record of all professional crimes in the jurisdiction over several years, and all information of importance in regard to each case is set out in this record. Part III and G. C. R. is a list of criminals who have come to adverse notice in the jurisdiction in professional crimes of the last decade. Part IV is a history sheet in respect of each village or ward/area in the police station's jurisdiction. The remaining two parts are Part II—the Crime Chart, which shows the crime incidence charted on a map of the jurisdiction, and Part V—the History Sheets of the important and active criminals of the station jurisdiction. We may now consider each Part of the Station Crime History in some measure of detail, to understand their importance and utility.

The entry in respect of a particular crime in Part I, has to set out various details, like the Crime Number and Section under which the case was dealt with, the date, time and place of occurrence, the distance and direction of the place of occurrence from the police station, the nature and value of the property lost, the details of ***Modus***

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*(Gist of a talk to the Sub-Inspector Cadets of the Police Training College, Vellore, on 6th April 1963)

Operandi, and a summary in the last column of the register, of the salient features of the case, such as, names, ages, addresses and antecedents of accused concerned, the mode of disposal of property and the places and persons from whom property recoveries were effected, and finally the details of the disposal of the case. A few other points merit special mention here. Details of identification marks of identifiable property could be recorded, so that properties recovered years later, when case records have been destroyed, can be located to cases. All details relevant to *Modus Operandi* must be recorded e.g., the burgled house being at the outskirts of the village or colony, the degree of violence used in breaking a lock or door or window, details of the implements used and abandoned or likely to have been used, the possibility of a multiplicity of accused persons, the inter-connection of cases, other cases attributable to the same accused, etc.

When you study the Part I entries of a police station over a 10 years period and analyse all the recorded facts carefully, you will be able to get a tremendous insight into the types of crime that occur, the localities affected, the periods or times marked by heavier incidence, the types of offenders and where they come from, the channels of disposal of property and, above all, the causes and factors that make for the particular pattern of crime in the jurisdiction. Equipped with all this knowledge, you will be able to do a very effective job, both of prevention and detection of crime. To cite but one example, such a study of pocket-picking crime in Madras City showed me that the bulk of pocket-picking crimes occurred in the first week of every month in the running buses during certain peak hours of traffic in the morning and evening, in the bus-route sectors radiating from Central Railway Station for a distance of about one mile on each sector. Thereupon, I ordered that these buses should be manned by mufti and uniformed beat constables; the result was marked and immediate—there was a remarkable drop in pocket-picking crime, together with an increased number of red-handed arrests of active pick-pockets.

Part II of the Station Crime History is a map of the station jurisdiction wherein the incidence of crime is marked, so that one has a ready visual idea of the crime incidence. Each case is marked at the corresponding spot in the map by the M. O. heading and date of the offence. The map should show the boundaries of the villages, and also villages of border stations to a depth of 5 miles all round. The boundaries between the border stations should be clearly shown. The course of roads, cart tracks and physical features, such as, the course of rivers, presence of lakes, extent of forests or hills etc., should be shown. The chart should have details of names and dates of shandies, fairs and festivals noted in the margin. For a jurisdiction having wire thefts, the course of telegraph, telepone and electric lines could be usefully shown. Where gangs have come to notice, the routes taken by and places of halt of gangs could be marked. The P. S. O. (Police Standing Orders) prescribes a period of retention of 5 years for Part II, hence the charts for the preceding 5 years should always be available for ready reference in a police station. Crimes of the station should

be charted as and when they are reported, or in respect of border crimes, as and when they are ascertained from Crime cards received, or the Crimes and Occurrence sheet. Whenever any new case is reported, the crime chart must be studied to see whether the visual picture suggests any point of significance, such as, persistence of crimes of that type in a particular area, or incidence of similar cases in border stations, or incidence of such cases on shandy days, or incidence of such cases in succession along a particular route etc. The visual picture is sometimes more suggestive of significant points, than a mere reading about all the crimes that have occurred.

Part III and G. C. R. (General Conviction Register) is a chronological record of all persons who have come to adverse notice in professional crimes of the jurisdiction, including residents or natives of the jurisdiction who have come to adverse notice in jurisdictions of other stations. Adverse notice may be by way of regular conviction in court, or suspicion ascertained during an investigation. On conviction, an entry has to be made by the Station House Officer, automatically in the G. C. R. but if it is a case of suspicion, the entry must be made on the orders of the Sub Divisional Officer. Hence, whenever a case is closed either on conviction, discharge or acquittal or by reporting it as undetectable, the Station House Officer must ensure that G. C. R. entries are made whenever necessary so that no bad hat is lost sight of. If an entry is made in respect of a resident or native of another jurisdiction, the extract of the entry must be forthwith transferred for record in the G. C. R. of the Police station from the jurisdiction of which the individual hails. Several details are prescribed for being recorded in the G. C. R. in the headings of the register and all of these must be filled up meticulously, as each detail has its own importance, in giving a complete picture of the criminal potential of the individual. When an individual has more than one conviction, the G. C. R. entries in respect of all the convictions must bear cross-references to each other, so that on seeing any one entry, we may know whether the individual has other convictions, and easily locate the details of those convictions. This will also incidentally facilitate taking prompt decisions to open History Sheets or Dossiers, or initiate action to register a criminal eligible by virtue of his convictions for registration under the Habitual Offenders Act. The P. S. O. requires that a name may be deleted from the G. C. R. by the Inspector of Police, of any person who has not come to adverse notice for the last 10 years.

The names currently on the G. C. R. will therefore be those of persons who have come to adverse notice in the last 10 years. Some of them by virtue of several convictions or active criminality may have History Sheets, and their names will find a place in the K. D. (Known Depredator) Check Register, of the station for frequent check every month. The names of all will however be on the ex-convict check register for ensuring a minimum of one check a year, to ascertain their current doings and conduct. If the monthly check of a History Sheeted B. C. (Bad Character) shows that his conduct is clear, his History Sheet can be closed and he can be checked annually, treating him as

a mere ex-convict. Conversely, when an ex-convict's check shows his conduct is bad, he can be History sheeted as a Suspect, (even if he does not have the requisite number of convictions to be treated as a K. D. or D. C. (Dossier Criminal) or H. O. (Habitual Offender) and his name can be entered in the K. D. Check Register for frequent check and watch.

The History sheets which comprise Part V of the Station Crime History are an elaborate record of all facets of the personality of criminals. The headings of information prescribed in the History sheet merit careful study, and when a History sheet is maintained, all headings of information must be filled up with details with thoroughness and care. There are several types of History sheets—the Dossier, the K. D. sheet, the Suspect sheet and sheets for Receivers and Rowdies; and these relate to criminals of varying degrees of criminal potential or activity. The opening, retention and closure of Dossiers are ordered by the Supdt. of Police, while, in the cases of the other categories of H. Sheets, by the Sub-Divisional Officers. Retention of "watch", either "close-watch" or "non-close watch" by day or by night is ordered on each History Sheet at the beginning of every year, and a period is specified for such watch—usually a year. Watching and checking are done at times and with a periodicity that fits in with the type of watch ordered. At any time, the type of watching or checking may be altered, depending upon the current conduct of the individual. The History sheets cover the most active members of the criminal population in the jurisdiction and hence it is important that the S.H.O. makes a thorough study of every History Sheet. A History sheeted Bad Character who knows that the S. H. O. knows everything about him and is watching him, will think twice before going out for crime.

Part IV Station Crime History is comprised of History Sheets for every village. The Part IV sheet of a village will contain information of the area of the village, the population, castes and communities, village officers and other important persons, problems and disputes affecting law and order, crimes that have occurred in the village, prohibition offenders and other criminals resident in it, and all other information of permanent value. The availability and extent of sites and buildings at the disposal of the local police, the applicability of various local and special laws, the resources of police manpower, the allocation of duties prescribed are all some types of important information to be recorded in Part IV. A S. H. O. would be well prepared for village visiting, if before he goes to the villages, he makes a study of the villages he proposes to visit; he will then know his bearings in the village and not be misled by members of factions who may generously offer assistance. The edited entries every year in each village sheet in Part IV have to be made by the Inspector of Police, but it is for the S. I. to post the Inspector with the full facts on which the latter may make a well-informed entry.

Mention must be made of the Alphabetical Name Index to Part III and G. C. R. and the *Modus Operandi* Loose Leaf Index to Parts I and III and G. C. R. These

indexes are merely to facilitate quick reference to locate required information in the main Station Crime History records Parts I and III. The Name Index will help to locate the antecedents of any person arrested, given his name, while the M. O. Index gives at a glance the names of all criminals who have come to notice under each M. O. heading of crime. The M. O. Index is a record that is constantly referred to in day-to-day investigation. Being useful reference records, it is most important that they are maintained correctly as prescribed and up-to-date. Apart from these, there are several other minor crime records in a station, but their utility is limited. A thorough grasp of the Station Crime History Records is the best means for the S. H. O. to make a good job of the task of Prevention and Detection of Crime.

The world is my country
All mankind are my brethren
To do good is my religion
I believe in one God and no more.

—*Thomas Paine.*

*METHODS OF INVESTIGATION

BY

Sri C. V. NARASIMHAN, M.A., I.P.S.,
Superintendent of Police, Ramanathapuram at Madurai.

"I feel very happy today to have this opportunity to address you on the subject "*Methods of Investigation*".

I understand from the Principal that most of you have spent about 5 or 6 months of training and have been taught the sections of law relating to investigation and the connected procedure. My purpose of today's talk is to emphasise before you certain important points of **practical value** both of law and of procedure with reference to knowledge of **case law** and **experience** in procedure.

The powers of investigation of an officer in charge of a police station are contained in Chapter XIV of the Cr. P. C. This chapter is a very important chapter for every police officer, because it lays down the procedure to be followed during investigation. Chapter XIV lays down the powers of a police officer while investigating a case, and the procedure to be followed by him, from stage to stage, from the time the complaint is made to him at the police station till he completes his investigation,– what are the various things he has to do and how he has to do them and what are the legal processes to be adopted by him to get on with his work of investigation. I will be focussing your attention on certain important portions of that chapter which you should bear in mind in your day-to-day work, when you go out into the districts. Before I go to any particular section there, I would like to tell you a few important principles which form the basis of all the procedural sections in the Cr. P. C.

Firstly, the investigation of any case by a police officer should be absolutely impartial. This is most important. When a police officer starts investigating a case, he should do so with an open mind. He should not have already come to a conclusion in that case.

Secondly, the method of investigation adopted by him should be beyond reproach, beyond criticism of any kind and be absolutely fair. You may ask me why you should draw a distinction between an investigation being impartial and the method of investigation also being impartial. The distinction arises because it is only these **methods** that are visibly seen and noticed by the public and unless your methods are clean and bonafide, you cannot command their confidence.

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*Gist of a talk to the Sub-Inspector cadets of the Police Training College, Vellore, on 11th April, 1963.

Thirdly, while investigating a case, the police should very carefully avoid becoming the tools in the hands of interested parties. They should investigate the case on their own assessment of the case.

Lastly, the evidence in a case should be brought to light and brought on record just as it exists. There should be no attempt to fabricate or improve the available evidence. If you bear in mind these important principles, you will find that every section of the Procedure Code is framed suitably to ensure the observance of these principles during actual investigation. You are aware of the division of criminal offences into two categories—cognizable and non-cognizable. You are also aware that the police have powers to investigate cognizable offences only on their own initiative. They cannot investigate non-cognizable offences without orders from a Magistrate.

As far as I. P. C. offences are concerned, you can easily know which is cognizable, and which is non-cognizable, because it is all contained in the Schedule to the Cr. P. C. Those cases in which a police officer may arrest without a warrant are cognizable offences. As for as I. P. C. offences are concerned, the position is easily known. But there are numerous other Local and Special Laws, enacted particularly after 1947, which give rise to the need for the police to investigate a number of offences under such laws also. There are several laws, Control Orders, and other statutes affecting the relationship between labour and capital, tenant and landlord, tenant and house-owner etc. Questions will very often arise regarding your powers under these Acts. How are you to know whether offences under these Acts are cognizable or not? For that, you must carefully refer to these Acts themselves. They themslves will most often contain a provision that the offences under these Acts are either cognizable or non-cognizable. If there is no such provision in the Acts themselves, you have to go to the Cr. P. C. once again and you will find a general definition in the last page of the Schedule that offences under other laws i.e., under all laws other than I. P. C., if punishable with death or imprisonment for life or imprisonment for 3 years or upwards, are cognizable. So, any offence under any law other than I. P. C., if punishable with more than 3 years' imprisonment, becomes cognizable, unless otherwise specified in the law itself. You must remember this point carefully in your day-to-day work. I am mentioning this particularly because when you go out into the districts and work in a police station, you will find suddenly a man coming and telling you "Look here". "There is a man there carrying 120 cement bags in his cart. He does not have any permit.. He is taking it away unauthorisedly. He has obtained it by a false declaration that he wants it for his house construction." When a man gives a complaint like that, you must first of all know what your powers are. You should therefore know your powers under the Cement Control Order. You have got to know all the relevant provisions for knowing your powers and for determining what offence has been committed by a person buying cement without a permit. You have further to make sure whether it is cognizable or not. It is not enough if you know which offences under the I. P. C. are cognizable. You must also know whether

specific offences under other laws are cognizable or not.

Now, in a cognizable offence, your investigation of the offence commences from the time a report or a complaint about the offence is lodged at the police station. A person may come to the police station and lay a complaint before you that a particular offence has occurred. It may be that his house has been looted and some properties have been taken away, or it may be that he has been beaten badly with a dangerous weapon and he has received an injury, or it may be that a murder has taken place in his house and a particular dead body is lying there. Such a complaint is called the First Information Report and according to Sec. 154, Cr. P. C., the F. I. R., when received by the officer in charge of the police station, has to be recorded in writing and signed by the man who makes the report. This document is admissible in evidence later on during the trial of the case. It is treated as a very important document, because it is the very first report you get about the offence. That is why law attaches a lot of value to that. I told you one of the main principles behind the various sections in the Cr. P. C. is that there should be no scope for letting in false evidence. The reason why law attaches considerable value to the F. I. R. is that it is the very first report and therefore it is most likely to be true. It is not likely to have been influenced by any other consideration. It is made by a person who has come to the police station immediately after the occurrence and therefore it is entitled to more weight than any other statement or any other description given several days later. You have to register it as an F. I. R. under Sec. 154 Cr. P. C. There is a form prescribed for this purpose and you have to register it in that form. You have to make out normally three copies of the F. I. R., one copy to be kept in the police station; one copy with the original complaint given by the informant-complainant to be sent to the court—the S. M.'s court with jurisdiction over your police station; and the third copy to be sent to your Inspector from whom it will go to the Sub-Divisional Officer or the Superintendent of Police, as the case may be. Suppose an illiterate man comes to the police station and is unable to write out a statement and give it to you or the complainant is so much injured in his hand that he cannot write though he may be literate, in such cases, you will have to record his statement according to Sec. 154 Cr. P. C. and that is the F. I. R. There again, you have to be very careful. When you record the statement, you must record it in the manner in which he gives out the information. Do not listen to him first and then record it in your own language and in your own order of events. You must record the F. I. R. in the manner and in the language in which the complainant comes and tells you at the police station. You must not allow your own language, your own way of putting things to go into that record. If he refers to an incident in a particular way, you must record it in that way. You merely record it in that way. You merely record what you hear. Do not cross-examine him. That is not called for under Sec. 154 Cr. P. C. Instead of his writing it and giving it to you, you do it for him.

After the F. I. R. is registered, you have to proceed to the scene of occurrence to investigate the case. Before proceeding to the scene of occurrence, you must arrange for the despatch of the F. I. R. to the various officers promptly. If there is delay in the despatch of the F. I. R. to the court, that will be called to question later on. If you do not despatch the F. I. R. copy to the court immediately the same day and there is delay in its despatch to the court, it will give room for the allegation that it was not a truthful record. We must avoid giving room for such allegations. There should be no delay in the despatch of the F. I. R. copy to the court.

You should then proceed to the scene of occurrence. Prompt visit to the scene of occurrence is important in two aspects. One is to create a good impression among the general public with whom you have to work. If you delay going to the scene of occurrence, the man affected will get a poor impression about the police. He will not feel satisfied. Make it a point to go to the scene of occurrence quickly. That will create a favourable impression and the man affected will feel very much satisfied that you have taken immediate interest in his complaint and attended to your work expeditiously. Even if you do not ultimately succeed in detecting the case, that does not matter. The second aspect is that unless you go promptly to the scene of occurrence, such clues like finger prints, foot prints, hair pieces, fibres, blood stains etc. which are very essential for the purpose of investigation might be lost or tampered with.

When you leave the station to proceed to the scene of occurrence, you must take with you all the forms and documents which you might have to use at the scene of occurrence. For example, inquest report forms, search lists, notice to panchayatdars, case diary forms, paper, carbon paper and things like that will be required during investigation. If you do not take them with you, there will be consequent delay and that delay will lead to difficulties later on.

Generally, our crime problems can be divided into two broad categories. One relates to law and order and the other relates to property. Dacoity, robbery, house breaking, theft, etc., are property crimes. Murder, hurt, unlawful assembly, grievous injury, kidnapping, abduction, etc., are law and order crimes. They affect the peace of the locality and the person or the people. Of course, in dacoity and robbery also, there will be injury to person; but the main thing concerned in them is property. On the occurrence of a property offence, you must send intimation about it to all your border stations. While investigating cases, you will find that property crime investigation has to be done in a particular way and offences against person have to be investigated in another way. There is a slight difference in the technique of investigation. Supposing you proceed to investigate an ordinary murder case in which two parties had quarrelled and come to blows and one man died; you need not necessarily send news about it to your border stations, because they will not be affected by that case and you do not need their help. If it is a property offence and you do not know who the criminal is,

it will be useful from your point of view to intimate it to your border stations. They may have had a similar occurrence in their limits and you can benefit from their knowledge. In property crimes, you shoud send intimation to the D. I. B. at the District Head Quarters. The D. I. B. will be in a position to suggest to you from their records criminals whose complicity may be examined and they may be able to help you with some clues and suggestions. Whether it is a property crime or a law and order crime, if you find from the F. I. R. that nobody knows who the accused is and if you are in a position to summon the Dog Squad from the nearby headquarters, you must send intimation to the Dog Squad also. Dog Squads are available in Madras City and Madurai. In stations which are nearby, they can avail of the services of the Dog Squad to help them at the scene of crime. Intimation to the Dog Squad need be sent only when from the F. I. R. you find that the accused are not known. If the F. I. R. itself mentions the names of persons who had a quarrel in the course of which one beat the other with a big stick and the other fell down dead, the accused is already known. There is no lack of knowledge about the accused and you need not send for the Dog Squad in that case. The Dog Squad should be requisitioned only in case where from the F. I. R. you find that the accused are not known and there are chances of using the Dog Squad successfully because of availability of blood-stains or similar strong scents at the scene of crime. You can also take a decision to send for the Dog Squad even after visiting the scene of crime, depending upon the traces preserved at the scene of crime.

When you arrive at the scene of crime, you must make a careful observation of the scene of crime and look for clues. If it is a property crime, finger prints and foot prints are two important sources of clues. You must look for them and arrange to segregate the articles on which finger prints might be found so that they could be developed. You know what finger prints are and what role they play in providing clues while investigating a case. A finger print, though it may be called a latent finger print, is not really latent. No finger print is really latent except perhaps finger prints on paper or such articles. Any finger print on an ordinary object that you find at the scene of crime will be visible to the naked eye. You can notice its presence by holding the object against slanting light. Powder is required only to **develop** the print and not to **detect** the print. You run the risk of obliterating or spoiling the print, if you indiscriminately use the powder and the brush. That is why I always advise my officers not to use the powder themselves but to await the arrival of the F. P. Expert. You need not take upon yourself the responsibility of developing a print after you detect its presence. It will be necessary and sufficient if you preserve the concerned article carefully till the F. P. Expert examines it. If you start using the powder and brush perpendicular to the direction of the ridges, they are likely to be obliterated. Your responsibility at the scene of crime is to **detect** the availability of finger prints. The responsibility for **developing** them further, finding out the ridges, taking photographs and marking out points for comparison is on the expert staff whose help you should requisition immediately. Do not

think that powder is required to detect a print. A print can be detected by your naked eye. In murder cases, where the accused are not known and where finger print clues are available—you may find blood-stained finger impression on the wall or on articles at the scene of crime—it is important that you take the finger prints of the deceased, before the body is disposed of. Otherwise, you will not be able to know whether a particular print found at the scene of crime and later developed in the Finger Print Bureau belongs to the deceased or not. In a recent case of double murder in my district which is still under investigation, a Chettiar and his wife were gagged to death on the 31st of last month, the iron safe in the house was rifled, cash and jewellery were stolen and the articles at the scene of crime were indiscriminately handled by the culprits before they left the scene. I had requisitioned the services of the F. P. Staff here and the Single Digit Bureau at Madurai. They were able to detect four prints and they developed them. We had taken the finger prints of the two deceased also. Unfortunately for us, all the four prints were found to belong to them. If we had not taken the F. Ps. of the deceased, we would never have known the identity of the F. Ps. at the scene of crime.

In murder cases, you know the relevancy of inquest proceedings. Generally, in cases where offences against human body are involved i.e., law and order cases, the cases will mostly rest on the oral evidence of witnesses, whereas in property offences, investigation will be directed towards recovery of the lost property. Your concentration will be to recover the property, after locating the criminal. In law and order cases, you will have to examine a number of witnesses and record their statements. That is the essential difference between the two categories of offences. In law and order cases, eye-witnesses are important and oral evidence plays a large part; whereas in property offences, oral evidence plays a small part and recovery of property is more important. Where oral evidence of witnesses is very important, it is most necessary that you examine all the witnesses quickly without loss of time. Supposing it is a big affray or a clash between two parties, and one of the eye-witnesses to the occurrence is not examined on the first day of your investigation and you examine him after a week; that will lead to an adverse comment later on that he is not a truthful witness and that he speaks to those facts on being prompted to do so by interested parties in the village. We must not give room for such allegations and comments. Therefore, it is important that all important and eye witnesses are examined by you quickly on the first few days of investigation without loss of time. Supposing you find that a particular eye witness, Ramasami describes to you how a particular fight took place and adds that Govindasami was also there watching all these and you find Govindasami mentioned by Ramasami is not available in the village. If he comes back to the village after one week, you will be examining him only after a week. Supposing you write in your case diary you examined Ramasami and after 7 days you examined Govindasami and if you do not explain in your case diary why you were not able to examine Govindasami on the first day, you will give room to the allegation that you had not examined

Govindasami on the first day for malafide reasons. If, in the course of your investigation, you find that Govindasami was not available in the village, that point must be mentioned by you very carefully in your case diary. Witnesses who are relevant to any particular occurrence, if available in the village, should be examined quickly without loss of time. If, for any reason, they are absent from the village and you trace them later on, you must account for their absence in your case diary. Then your bonafides would be beyond doubt. If you do not explain in your C. D. the reason for the delay, your investigation is likely to be commented upon adversely.

How to examine these witnesses? Where to examine them ? How exactly are you to go about your work ? I would like to mention a few practical suggestions covering these questions. When an occurrence has taken place in a particular place, the best place to examine the witnesses is the scene of occurrence itself, if it is possible. Supposing an occurrence has taken place in the heart of a bazaar, it may not be possible to put a table and chair in the place itself. You can choose a shop nearby and examine the witnesses. Let it be as near the scene of occurrence as possible. If you examine them at a distant place in the T. B. or in the police station, you will not be able to question them as carefully as you will be able to question them near the scene of crime. You can certainly examine the witnesses in the scene of crime if the scene is a village field. Supposing a murder has taken place in a field, you can put a charpoy, collect the witnesses and examine them right at the scene of occurrence.

There was a murder case in Salem District which I investigated as an S. D. O. The F. I. R. itself indicated that five or six men had assaulted and hacked the victim to pieces in a village field. The F. I. R. also mentioned the names of some witnesses alleged to have witnessed the occurrence. While investigating the case, we were examining the witnesses at the scene of crime. One of the witnesses said that he had his cow-shed in a neighbouring field about a furlong, or so, away. That neighbouring field was separated from the scene by a small hillock. From there, he could not see what was happening here, because of the intervening ridge. He said that he had come to the scene on hearing the cry. I made him go to his field and asked the villagers to raise a cry from the scene and found that the man was not able to hear it. It was clear that that witness was telling a falsehood. It was the starting point for us to suspect that something was fishy. Ultimately we were able to find that even the other witnesses were telling falsehood and we referred the case as undetectable.

There was another case in which one of the eye witnesses to the crime, when examined in court, gave a statement that he saw the accused with a weapon in his hand assaulting the deceased and so on. In the court, the defence lawyer asked him to tell the time. In the court hall, a clock was kept in the opposite wall at a distance of about twenty feet. The witness fumbled. He was partially blind and could not see objects except at very close quarters. In his deposition, he had stated that he was about 50′ away from the scene of occurrence. In the court, he was not able to see the clock 20′ away.

The defence lawyer was able to smash his evidence. This could have been found out if the witness had been examined at the scene of crime and practically tested for his veracity. Examining the relevant witnesses at the scene of crime will help you to come to a correct conclusion whether the witnesses are speaking the truth or not.

When you examine witnesses, you must make them feel at ease. Rural witnesses specially will be awe-struck by your uniform and all that, and they will not be inclined to speak freely. You must make them feel quite at home, quite free and confident to talk to you. You will find it in one of your earliest cases, on seeing your fresh uniform, the villager will not be able to stand straight before you. He will be afraid. In the case of such person, the best method of instilling confidence in him is to make him sit down and speak. Then he may freely tell you what had happened. You must adopt all methods possible to make the witness feel confident and quite at ease, to tell all that he knows. You can give him a cup of coffee, asking him to quench his thirst. Be friendly with him. Another method is not to question him about the case straightaway, but ask him about his family, such as, how many children he has, what is his living, whether he had a good harvest that year etc. Ask him some questions not connected with the case but connected with his personal life. If you straightaway question him about the case, he will not feel inclined to tell you anything. When you examine a witness, do not have your notebook or sheets of paper in front of you and pencil ready. Do not give him the impression that the moment he starts telling you something, you are going to write it. No doubt you have got to write what he speaks; but do not give him that impression to begin with. Let him be free to speak to you. After he has steadied himself and after you know what all he has to say to you, then you can record his statement. If you give him the impression that whatever he says is going to be recorded by you, he will get a fear complex. Sit back and have a free conversation. Sometimes the witnesses may not tell you completely all that they know. You have to get the full information from them in instalments, by examining them, by cross-examining them and by putting before them the facts collected from other witnesses also.

In law and order cases particularly, any possible motive for the occurrence becomes important and you must find out evidence for motive. There might have been an earlier clash between two parties and one party might have given a petition to the local Police Station mentioning the ill-feelings. Such documents become valuable evidence later on. In such cases, you must establish motive by evidence either from witnesses or from documents.

In cases where death has occurred, post-mortem examination is important. In the post-mortem examination, the stomach contents of the deceased provide a valuable clue to the probable time of the death of the deceased, because as you all know or ought to know, undigested food will remain in the stomach for about two to three hours after the food is taken, and so if you find undigested food in the stomach, you may infer that death might have occurred so many hours after taking the last meal. By this, you can know the approximate time of death of the deceased.

When you question the doctor, who conducted the post-mortem, you must question him in very great detail. If you have recovered the weapon from the scene of crime, you must show it to the doctor and ask him whether that weapon is likely to have caused the injuries and you must write out his opinion in your C. D.

Before I close, to-day's talk, I would like to narrate a specific case where the Investigating Officer succeeded by closely watching the sequence of events at the scene of crime itself on an ordinary day and there by reconstructing the picture as it should have been on the day of occurrence. There was a bank dacoity case in a North Indian city very soon after 1947. The cash van of the bank used to leave the bank every morning at about 5-30 or so and go to some other destination. That van was attacked by a group of people who came to the bank in the morning at 5-30 in a motor car. They came armed with guns and when the cash van of the bank with the cashier and others was about to leave, these dacoits jumped out and shot down the sentry on duty and attacked the van driver and looted the contents of the van and removed heavy cash running to several thousands. It was a daring crime committed in the heart of the city. The morning was just dawning. Intimation was sent to the Police and they started investigation. There were no clues regarding the car and the dacoits—no foot prints, no finger prints, nothing. On the 3rd or 4th day of investigation, it struck one of the investigating officers—I think he was an Inspector—to go to the same Bank at 5-30 in the morning and watch who are all the persons who move on that road at that time in the normal course of their business. When he went there at the identical time and stood there, he noticed one newspaper boy going on his cycle for distribution of dailies in that locality. It was obvious to the Inspector that that boy was a regular traveller on that road daily at that time. He immediately stopped the newspaper boy and asked him whether he had noticed anything peculiar 3 days earlier i.e., on the day of dacoity. The boy answered in the affirmative and said that he had seen a red car going at a terrific rate of speed, that he did not remember the full number of the car but that he remembered the last two digits to be 27. He said that he was amazed at the speed at which it was going. That provided an important clue to the Police officer. The search was immediatlely confined to red cars whose numbers ended with 27 and in a matter of few hours, they were able to locate the car. The car was found abandoned in a garrage and by questioning the garrage owner and pursuing further clues from point to point, the Police finally located the gang and the culprits were brought to book. But for the anxiety of the Inspector to go to the place at the identical time, it would not have been possible to locate the newspaper boy, who was not living there and who merely went along the road in the course of his work. He would not have been located by mere enquiries at the Police Station. This is a typical case where enquiries at the scene of crime, trying to reconstruct the picture as it had occurred helped the investigating officer to succeed ultimately in detecting the case.

POLICIES AND ADMINISTRATIVE MEASURES NEEDED IN LICENSING TAXIS FOR THEIR ECONOMIC UTILISATION AND SAFETY IN BIG CITIES

BY

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INTRODUCTORY :

A well-organised transport system is a vital need in urban areas like water supply, housing, sanitation and electricity. We are racing for time and space in the evolutionary progress of the modern world. The rapid advance in the mechanisation of transport is reducing the spatial distances to nothingness. But at the same time, the consequential congestion created by motor traffic is working against time factor. The speed of travel is reduced due to continuous filling up of space by automobiles in major cities of the world. The time taken to cover a few miles of land space from an air port to a point in major city either equals or exceeds the air travel time between two cities thousands miles apart.

PROBLEM OF TRAFFIC CIRCULATION: POPULARIZATION OF TAXI AS CHEAP MODE OF CONVEYANCE IN MIXED TRAFFIC REGIONS:

In highly advanced cities, the growth of automobiles is paralysing the mass and individual transportation systems and thereby affecting the economy and utility of the services. In certain cities attempts are being made to ban influx of any more private motor vehicles in order to stabilise the internal circulation of traffic by means of passenger coaches and taxis. The taxis have to be on the loiter in some of the cities for want of space. In under-developed countries the problem is of different type. While most of the advanced countries have eliminated the outmoded forms of passenger conveyances, still the horse and bullock drawn vehicles, pedal tricycles, man-drawn vehicles are treasured in the cities of the under-developed countries. The speed of the mechanised transport has to compromise with the manoeuvres of these slow moving traditional transport systems. The ready availability and cheapness of these slow vehicles have not only made the taxi system less attractive but converted the same as a luxury to be indulged by a few who can afford. Therefore the primary problem in the under-developed countries is to popularise taxi system as a cheap mode of passenger transport. The continuance of outmoded forms of conveyance is a competitive factor affecting the growth of taxis. There is need for a policy for the progressive elimination of such vehicles first. The conflicting speeds of mixed traffic not

only impair the efficiency and economy of both the systems but increase the accident toll.

THE ROLE OF TAXI SERVICE AMONG OTHER PASSENGER TRANSPORTATION SYSTEMS IN A CITY:

When once an exclusive mechanised transport system is established, the work connected with the policy measures for securing maximum economy and utility is rendered easy. A study of the trend of transport systems in advanced countries, should enable us to forestall the shape of things to come which would facilitate in arriving at correct policy decisions now. The chief modes of passenger transport in modern cities are tramcars, trolley buses, passenger coaches, taxis, suburban trains and internal navigation, if any. The tramcars are slowly disappearing in most of the cities to yield space for automobiles. Passenger coaches, trains and taxis are the most common transport amenities. While the coaches and trains stop at settled places, the taxis run point to point desired by passengers. The taxis pick up passengers from settled train and bus stops to reach destinations not covered by them. Apart from their normal service, they supplement the other transport services. Therefore the taxi system serves an important and larger role in the day-to-day transportation in cities.

NEED FOR LICENSING SYSTEM AND THE AUTHORITY FOR THIS PURPOSE:

The economy and the utility of the taxi service can be controlled only by a well organised licensing system. The licensing function and enforcement work if vested in the same authority in major cities the overall control is rendered easy. The traffic enforcement, accident investigation are done by the Police in almost all countries. The licensing function should vest with the Police, to enable them to co-ordinate their measures for traffic circulation and safety. If the various records of the vehicle, the owner and the driver are maintained at one office reference and correspondence work are simplified. This system is in vogue in many cities already. The licensing system enables to choose right types of business agencies, control rate structure, check unhealthy competition and systematise the public utility service properly.

LICENSING PROCEDURE AND QUALIFICATIONS FOR THE POSSESSION OF LICENCE:

The following is the system followed normally in many cities in India. The applications are considered on payment of fee prescribed by the State. The applicants are heard in person at a meeting convened periodically for this purpose. The aptitude for the business, financial capacity and garage facilities to run the service and the previous experience in the trade are examined before the issue of licences. After the issue of licences, a reasonable time is given for the production of the vehicle to examine its fitness for the service. A history sheet for the licence-holder is opened wherein is recorded all further transactions like renewal, transfer of ownership etc., chronologically including

the punishments awarded for violations of of licence conditions by licensing authorities and prosecuting courts.

SINGLE OWNERSHIP VERSUS COLLECTIVE OWNERSHIP—FLEET SYSTEM:

The system as prevalent now in most places is on individual ownership basis. The administrative task of exercising control over thousands of individual owners is rather difficult. The collective ownership on co-operative basis and fleet system by well-organised business agencies are also being popularised in some cities. This ensures better maintenance of vehicles and driver control.

CLASSIFICATION OF TAXIS:

In certain cities, the taxis are classified according to their size and passenger capacity and purpose. They are termed big, medium and baby according to the size and capacity of the vehicle. They are usually painted in dual colour with yellow top and black body. Some cities have tourist taxis which are allowed to be run by important hotels and travel agencies for the benefit of the tourists. No meter is attached to such taxis and they are exempted from black and yellow painting. The rate structures of the various types of taxis vary and they are fixed by the State.

REGISTRATION AND INSPECTION:

In the registration of taxis there is need for uniformity of procedure. In certain cities, they carry the same registration number plates which were originally allotted to them as cars. For the purpose of easy location and statistical calculation, it is necessary to have an exclusive registration series for the taxis. This is being followed in some of the cities in India. The taxis are called for periodical mechanical inspection by the licensing authorities normally once a year. The taxi fare meters are checked by actual run to measured distance and sealed by licensing authorities after test to prevent any tampering with the approved fare adjustment. A fool-proof device is needed for uniform adoption as the system of meter-check varies from place to place.

TRAFFIC SURVEYS TO FIX THE CEILING OF TAXIS: ECONOMIC FACTORS FOR THE RATE STRUCTURE:

As already stated, the object of licensing system is to secure maximum efficiency and economy. The quantum of public demand should be assessed by periodic traffic surveys. The surveys should cover all passenger transportation systems in a city. For fixing the rate structure, the capital cost, running expenses and margin of profit, should be carefully studied with respect to local conditions. The rate structure should come within the reach of common man and should not be prohibitively costly. Promoting special workshop and servicing facilities exclusively for taxis on concessional rates, procurement of fuel at reduced rate for taxi service (the issue of the same to be based on average monthly consumption) and a rebate on excise duty etc., would help to bring the running cost which would in turn keep the passenger rate structure at an acceptable level to all. Taxi being a

public utility service, certain concessions are necessary in larger interest. Single vehicle ownership system should be discouraged and fleet systems should be promoted. In single vehicle ownership system, there is a tendency to get maximum profit on small outlay and the efficiency of operation goes down. There is no scope for organised competition for better service. Till fleet systems are popularised, the attendant difficulties of the prevailing system of small scale ownership have to be faced. The traffic study should give us an idea of fixing the ceiling for the licences. The complaints of non-availability of taxis and demand for money extra over the metered rates would be an indication of the short supply of taxis. The demand and supply should be properly balanced. Boosting up of the numbers of licences in excess of demand would make the trade an unprofitable venture. Short supply would give rise to illicit vehicles. The licensing authorities have the responsibility to correctly assess the situation for the regulation of the licences. The facts and figures of traffic study should be readily available to justify their stand.

LICENSING CONDITIONS TO ENSURE ECONOMY AND UTILITY:

The licence conditions should be so devised as to allow a rigid control over the efficiency and utility of the service. The validity and jurisdiction should be clearly defined. The taxis should not be allowed to ply beyond the region of issue except by special authorisation. The stoppage of service beyond a particular duration should not be permitted except with the specific sanction of the licensing authority. A vehicle, while on road, should always be available on demand, without any reservation or restriction. Shortest routes should be declared for various destinations from recognised terminals.

ENFORCEMENT AND PENAL PROCEDURE:

When the list of licensing conditions are determined, the enforcement system should be devised to be summary and simple. If there is lack of rigidity in the enforcement the licensing system will be reduced to a farce. The licensing authorities should have ample powers without reference to formal courts, to deal with the violations of licence conditions. A show-cause notice to the offender and his written representation should be sufficient to decide the merits of a case. Of course, there should be provision for appeal against the orders of licensing authorities to guard against arbitrary decisions. There are independent judicial appellate tribunals for this purpose in many States to protect the legal rights.

TAXI DRIVING: QUALIFICATIONS—CONTROL MEASURES:

The efficiency of taxi service depends on the driver's conduct. This is a problem in many cities. This should be tackled by devising a proper system for their licensing. A standard should be set up for the educational qualification, driving efficiency, physical fitness and temperamental suitability. The validity of their driving licences should be strictly limited to the jurisdiction of the licensing authority. The names of the licence holders should be alphabetically indexed and history sheets should be opened for them in

the Office of issue. The punishments for driving without a valid licence or violation of restriction imposed by a licensing authority should be deterrent. The driving schools recognised by the States should have a special wing for the training of taxi drivers. The public complaints mostly relate to their behaviour and a tradition for good conduct can be built only by persuasive education and through public co-operation. Attempt to correct by aimless imposition of punishment as a matter of routine, would turn a driver to a desperate rebel.

LABOUR ISSUES - DRIVER AND OWNER ASSOCIATIONS :

To ensure fair deal, to a taxi driver, there should be proper labour rules. The hours of work and the wage structure should be on settled terms. The owner-driven vehicles are not many in under-developed countries. Therefore there should be proper protection against unhealthy exploitation of labour. The public utility would suffer if stoppages of service occur on labour issues. The driver and owner associations should be promoted on healthy footing, with established regulations and conventions. Taxi being a public utility service, any organised attempt to shut down the service on frivolous issues should be met by stringent legislation.

ORGANISATION OF TAXI SERVICE :

In the organization of taxi business, there is much lee-way to be covered in under-developed countries. In some of the advanced cities the taxi service is controlled by wireless communication to meet passenger requirements. The telephonic communication facilities are yet to develop in a number of cities. If fleet systems are popularised, the passenger amenities can be improved by far. The authority to fit telephones at taxi stands and personnel to answer to public calls and the extent to which control can be exercised over different owners are problems yet to be settled. The municipal administration of a city has a great responsibility in this direction and this should be left to be tackled by them in co-ordination with the licensing authorities. Rules governing the provision of taxi stands, selection of sites, personnel for attending to service calls should be laid down.

SAFETY FACTOR :

With regard to safety factor, there is no need for special measures other than those that are normally in vogue in many cities. The enforcement machinery should be large enough to cope with the misbehaviour on roads. Traffic accidents due to taxis can be reviewed periodically for an analysis of the causes and selective enforcement. Speed restrictions can be fixed exclusively for taxis depending upon local requirements and situations. Special safety devices can be arranged to focus attention on the need for greater caution. Special brochures can be issued on such occasions. The existing laws are sufficient for dealing with reckless driving in most of the countries. If special measures are considered necessary, provision can be made empowering the concerned authorities to disqualify a driver from driving a taxi on account of his bad accident record.

CONCLUSION :

In major cities of under-developed countries taxi as a cheap mode of passenger conveyance needs popularization by better

organization control. Industrial growth and commercial expansion centre round cities. Taxi service has a vital role to play in passenger transportation systems.

SUMMARY OF RECOMMENDATIONS:

To sum up the following is the list of recommendations that are suggested:

1. Removal of competition in trade by a process of elimination of outmoded forms of slow transport which are still retained in under-developed countries in order to make taxi a cheap mode of popular conveyance.

2. There is need for licensing system. The licensing function and enforcement work vest with the same body, viz., Police for administrative convenience.

3. Qualifications for licence holding and the control measures over the licence holders should be well defined for uniform adoption.

4. Fleet systems should be popularised instead of single-vehicle ownership to ensure better organizational control.

5. Rigid control over mechanical fitness over vehicles by periodical inspection. A fool-proof system should be devised to prevent tampering with meter reading.

6. Periodic traffic surveys should be made to assess the demand and supply position in order to ensure economy and utility. Shortest routes should be declared for destinations, from recognised terminals.

7. Special policy measures are necessary for the issue of driving licences to taxi drivers. Validity of driving licences should be limited to the regions of issue for better control.

8. The driver and owner Associations should be promoted on healthy lines in the interest for settlement of labour issues if any. Taxi service should be declared as a public utility service and strikes on frivolous issues should be put down by stringent legislation.

9. In the organization of taxi service, the municipal administration should take steps for parking arrangements and telephonic facilities.

10. In regard to safety measures ordinary laws relating to driving are normally sufficient. Special measures can be devised in regard to speed limits and punishments if accident records warrant such action.

11. In order to keep the rate structure within the reach of common man, reduced fuel rate and measures for promoting workshop and to bring servicing facilities on concessional terms, rebate on excise duty can be thought of.

Slumber not in the tent of your fathers.
The world is advancing. Advance with it.

—Mazzini.

*SCIENCE IN DETECTION OF CRIME—I

BY

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Crimes are committed by persons invariably through the medium of things and therefore in criminal investigation the Police Officer has to deal with not only persons such as suspects and eye witnesses but also with physical objects such as foot prints, finger prints, dust, fibres and so on. It is possible to obtain by scientific means informational evidence by the examination of the persons concerned and physical evidence by the examination of the articles concerned in the crime.

It is known that if the interrogation of the suspects and eye witnesses are proceeded with scientifically the evidence obtained thereby could be relied upon much more than the confession and so forth obtained by unscientific means. Confession by the accused person has always been a convenient and popular means of establishing guilt. If the suspect himself admits having committed the crime, the task of the investigating officer is very much lightened. In medieval times the suspect was tortured for obtaining a confession until he confessed or succumbed in the process. Unfortunately, quite often, the securing of a confession has been set up as a major objective regardless of whether the accused is guilty or not. When considered scientifically this medieval procedure is quite unreliable since a person who is physically uncomfortable would say almost anything in order to get relief.

The scientist attempts however to determine the guilt from the behaviour of the individual. Such efforts to study the behaviour of the suspected person is not recent. Even in 900 B. C. instructions are found for detecting poisoners including the fact that " He speaks nonsense, he rubs his toes along the ground and shivers, his face is discoloured and he rubs the roots of his hair with his fingers ". (Jour. Cr. Law 1939, 29–30). To-day various psychological techniques are available for scientific examination of the suspected persons. These are not perfect by any means but in the hands of a properly trained investigator they may prove of great use in unraveling some of the details of a case. There is no single apparatus deserving the name " Lie detector ". It is rather unfortunate that the term has come into vogue because this name gives a false notion regarding the scientific approach to

*From a lecture to the S. I. Cadets at the Police Training College, Vellore, on 2nd April, 1963.

the problem of crime detection. It is not as the name suggests something so fool-proof that when the suspect is asked a question the instrument will indicate categorically whether he is lying or telling the truth. These instruments are as much "Lie detectors" as the stethoscope or the clinical thermometer are the "disease detectors". The actual fact is that an expert applying various techniques studies the record carefully and forms an opinion as to the person's guilt or innocence.

Several techniques are available for scientific interrogation of the suspects. In actual practice many of them are employed simultaneously. The commonly used apparatus is known as the Polygraph and this instrument gives a continuous record of the pulse-blood pressure, respiration and electrodermal changes of the person interrogated. As regards its use in our country, it is still in the preliminary stages of testing this method. Recently it has been advised that this instrument can be used as an aid to investigation just as Police dogs.

So much as regards the scientific examination of the persons concerned. Forensic Science comes in when the physical sciences have to be utilised for the elucidation of truth. Such application of scientific methods has a very ancient origin. The Babylonians had an idol called Bel to which offerings of food were made every day. The king worshipped it but Daniel did not. When asked by the King why he did not worship the idol, Daniel stated that he worshipped only the living God and that the food laid out every day for the idol's consumption was consumed in fact by human beings. The King was very angry and asked him to prove it. That day the food was as usual set before the idol and before locking up the temple, Daniel spread ashes around the idol. During the night the priests came with their wives and children through a secret entrance as usual and ate and drank the offerings. Next morning when the King entered the temple he saw the foot prints of men, women and children and thus it was that Daniel demonstrated that the food was consumed not by the idol but by mortals.

In recent years the advancement due to the tremendous development in scientific knowledge and in scientific instruments has had naturally as great an impact on police work as on other spheres of life. Scientific methods are being employed increasingly to aid in the detection of crime. A new branch of knowledge has been developing fast and several names have been employed to designate it. The terms "Police Science" "Scientific Criminology" "Scientific Criminal Investigation" are not quite apt since these are applicable also to police administration and methods of detection in general. The Americans, O'Hara and Osterburg use the name "Criminalistics" in referring to the work of the police laboratory. The words "Kriminalistik", "Criminalistique" and "Criminalisticia", they state, are in common use in continental Europe where greater care is given to precision of terminology. So Criminalistics or Forensic Science as we call it (Forensic meaning Legal) has been defined as that science which applies the physical sciences in the investigation of crime. The examination of physical objects in the laboratory is essentially an extension of the use of keen observation. The

resources of science, however, are employed in the laboratory to increase the range and accuracy of the observation. Observation it may be mentioned is a primary necessity to not only forensic scientists but also to police officers, doctors and other scientists and in fact every man can transform his world from one of monotony into one of excitement and adventure by utilising this faculty. Conan Doyle, the creator of Sherlock Holmes has laid a great stress on the usefulness of this faculty in crime investigation. Sherlock Holmes called his methods " the science of observation and systematised common sense ". Holmes told a visitor once " I see no more than you but I have trained myself to notice what I see ". On meeting Watson in his room after some months Holmes observed "I perceive that you had been unwell lately. Summer colds are always a little trying ". To the astonished Watson he then declared that he deduced this information from his slippers. " Your slippers are new. You could not have had them more than a few weeks. The soles which you are at this moment presenting to me are slightly scorched. For a moment I thought they might have got wet and been burned in the drying. But near the instep there is a small circular wafer of paper with the shopman's hieroglyphics upon it. Damp would of course have removed this. You had been sitting with your feet outstretched to the fire which a man would hardly do even in so wet a June as this, if he were in his full health ".

On another occasion when Dr. Watson met him, Holmes remarked "I see that you are professionally rather busy just now ". Watson admitted the fact and wanted to know how he deduced. Holmes explained "I have the advantage of knowing your habits, my dear Watson, when your round is a short one you walk and when it is a long one you use a hansom. As I perceive that your boots although used are by no means dirty I cannot doubt that you are at present busy enough to justify a hansom ". In the several detective stories written by Conan Doyle, Sherlock Holmes does nothing factually impossible and the happenings are realistic. That is the reason why Dr. Edmond Locard, head of the Police Laboratory at Lyons stated "I hold that a Police Expert or an examining magistrate would not find it a waste of time to read Doyle's novels ". Dr. Locard has also acknowledged that he owed a great deal to Sherlock Holmes who had inspired him to develop scientific methods of detection. It is interesting to observe that Holmes believed in the study of foot print, dust and dirt and the use of exact science like chemistry to reconstruct the scene of crime, although there was no system of scientific criminology existing in his time. The use of plaster of paris in preserving foot print impressions was mentioned in one of his stories even before it was described by Hans Gross in his book " Criminal Investigation ".

In the training of the Forensic Scientist the development of observation is an important factor. In one of the cases examined in the Chemical Examiner's laboratory a bullet extracted from a dead body was sent for examination with the suspected weapon. By comparing the marks on the bullet with those on the test bullet fired from the weapon it was established that the crime bullet was fired from the suspected weapon. The

Chemical Examiner, however, found certain extraneous markings on the bullet. These markings could not be there if the bullet had, after leaving the weapon entered the body of the victim direct. Their presence could only be explained if the bullet had struck a hard object before striking the victim. So in addition to reporting that the bullet was fired from the suspected weapon he stated also that the bullet should have struck a hard object like granite on a road before entering the body of the victim. It can well be imagined what difference this observation would have made. Actually the report corroborated the statement of the accused that he aimed low at the road and not at the victim.

It is not enough if in a case the laboratory finding is correct. It is also important that the proper deduction is made. Some years ago in Berlin a number of people had been found at different times dead in their motor cars with signs of having died of asphyxia. The dead persons had been robbed in each case but there was nothing to suggest that death was due to unnatural causes. The police, however, were suspicious. By a careful search of the clothing of the deceased they were able to collect in each case minute fragments of thin glass. These fragments were examined in the laboratory but nothing significant was reported. Traces of arsenic were found in the pieces in the laboratory but no importance was attached to this finding since this is a common impurity in glass. In fact this observation was most vital. Later on it was found that the clever murderer had devised a method of filling small glass bulbs with arsine, a highly poisonous gas under pressure. His modus operandi was to approach motor cars of rich people returning home late at night. As they stopped their cars near their houses he would throw one of these bulbs into the window. The bulb would burst striking anything and liberate the gas which was sufficient to asphyxiate a person in confined space. The arsenic detected in the laboratory was therefore due to the residue of the gas. In this instance although the laboratory was correct in its scientific analysis, was wrong in its deduction.

The main object of the laboratory study of materials submitted by an investigating officer is to determine the manner in which a crime was committed and to connect a suspect or the vehicle or implements in his possession with the scene of crime or the line of approach to or departure from the scene. The forensic science laboratory may help not only to complete a chain of evidence against a suspect or prove that his story is false but also serve to clear him of suspicion if he is innocent. The criminal cannot approach the scene, commit the crime, and escape without leaving some traces of his having been there. Wherever he goes, whatever he handles, whatever he leaves even unconsciously will serve as evidence against him. It may be his finger print or foot print something he has marked or scratched, some fragment of his clothing or tools he has used. On the other hand he might carry on his person something from the scene of crime. It may be on his clothing or on the tools he has used. It is only by a knowledge of what is to be expected from a laboratory examination of such traces that the investigating officers would be able to decide what matter found at the scene of

crime or on the person of the suspect might yield useful information on scientific examination.

The usefulness of application of forensic science in Crime Investigation could be well illustrated by actual cases in which laboratory help was utilised. In a case of burglary the investigating Police Officer found a handkerchief at the scene of crime with some brownish stains. Later on a man was arrested on suspicion and he had on the clothing he was wearing similar brownish stains. The laboratory finding in this case that both the stains had a common origin helped to connect the suspect with the crime.

A dead body was found on a railway track. The Police suspected foul play when they found the hands and feet tied up. There was no clue to the identity of the person except a post card completely soaked in blood. The laboratory, by taking an infra red photograph was able to report the place of origin of the post card. This place was a small village and on proceeding to this village the investigating officer was able to identify the dead person and proceed with further investigation.

A peculiar tool mark was observed in a case of house-breaking. The laboratory after going through several tool catalogues decided that the mark was made by the rasp of a shoe-maker. There was a suspect in this case who was the son of a shoe-maker and he happened to be the culprit.

In a case of hit and run in Madras the Police found broken pieces of headlamp glass on the road and by a careful examination they decided that a car of certain make was involved in this accident. Prompt and vigorous investigation by the traffic Police resulted in locating a car which was in a garage with some broken pieces of glass still sticking to the headlamp. Laboratory examination revealed that the pieces of glass found at the scene of the accident and the pieces still sticking to the lamp formed parts of the headlamp glass and thus connected the car with the accident.

Any number of cases can thus be cited to illustrate the usefulness of laboratory examination of physical objects in crime investigation. I will conclude this talk with a word about the Scientific assistants' scheme. In countries like the United Kingdom laboratory officers visit the scenes of crime and assist the Police officer in collecting articles which would provide useful information on examination in the laboratory. There are also Police officers trained specially for this job and they are known as Scene of crime Officers or Trace obtaining officers. We have also a proposal in our State to train and appoint scientific assistants. Each district will have one of these officers attached to the District Intelligence Bureau and this officer will visit the crime scene and assist the investigating officer in photography, recording of foot prints and finger prints and in the collection and despatch of physical objects to the laboratory. So when this scheme materialises you will have an expert in your district to assist you in the collection of physical evidence at the scenes of crime and in their proper packing and despatch to the laboratory.

Our Armed Police Units on Border Duty

(Gifts by the State Police Families Welfare Committee, Madras, to the Malabar Special Police on New Year's Day 1963)

CELEBRATIONS OF THE FUNCTIONS AT

1. *Imphal:* The Tamil New Year's Day dawned at Imphal Pat Police camp on 14—4—63 with vigorous activity in organising the functions. Decorated shamianas were put up opposite to the camp. The Chief guest of the evning Sri J. N. Raina, Chief Commissioner, Manipur State, was received by Sri P. J. Lowis, Deputy Inspector-General of Police, (Southern States) and the Commandant, M. S. P. Madras Battalion. The guard was turned out and the Chief Commissioner took the salute. The invitees numbering about 200 included the elite of Imphal and special arrangements were made for the Press.

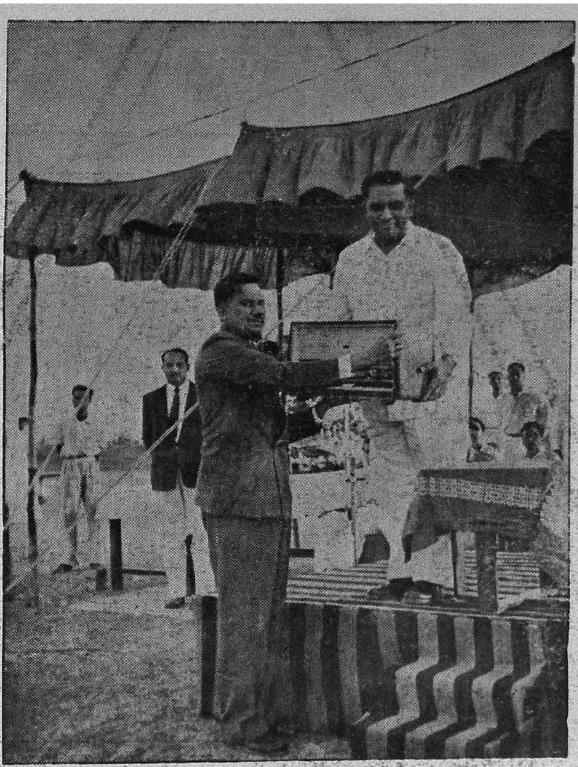
Proceedings started with a prayer of South Indian Carnatic music rendered by Sri Kandaswami, a Police Constable of 'J' company, M.S.P. The Commandant M.S.P. while welcoming the invitees, expressed his gratitude to the Inspector-General of Police and Mrs. Balakrishna Shetty in so kindly arranging for these gifts to be sent to the members of the Unit who are far far away from their home towns and welcomed the guests whose presence had instilled an atmosphere of 'home' in the minds of the serving personnel who would be longing to spend the New Year Day with their kith and kin.

Mrs. Thirumalpad, wife of the Judicial Commissioner of Manipur, among thunderous applause, distributed the gift parcels to the officers and men of the Unit. The gifts were sent for the occasion by Mrs. L. Balakrishna Shetty, President of the Madras State Police Families' Welfare Committee and by the Women's India Association, Madras Branch. In a brief speech Mr. Raina, who presided, praised the work done by the Malabar Special Police in Manipur which coincided with the Manipur New Years' Day and Vishu, Malayalam New Year's Day and it was most befitting that the gifts should be distributed on such an important occasion. The Commandant handed over to the Chief Commissioner Rs. 1000/- as contribution to the National Defence Fund. The Chief Commissioner also announced the sanction of Rs. 251/- for the welfare of the Malabar Policemen.

A buffet tea was arranged for the invitees and the members of the Unit. The invitees appreciated the South Indian dishes which were prepared for the occasion. The function terminated with a vote of thanks by Sri D. Narayanaswamy, Assistant Commandant who thanked the Inspector-General of Police and Mrs. Balakrishna Shetty and the Women's India Association.

Srimathi Balakrishna Shetty, Srimathi Arul, Srimathi Kuppuswamy, Srimathi Mahadevan, Srimathi Thangayyan and Srimathi Suarna, listening to Sri P. Kuppuswami, Deputy Inspector-General of Police, Railways and Armed Police, Madras, before commencing the packing of gift articles. The Deputy Inspector-General of Police was explaining about the items to be packed.

Srimathi Mahadevan and Srimathi Suarna filling plastic bags with Parrys' sweets.



Mr. U. Mukherji, I.P., J.P., Inspector-General of Police, West Bengal, presenting a transistor Radio set as a token gift to the commandant, Madras Armed Police Battalion on 7—4—63.

Sri J. M. Raina, Chief Commissioner, Manipur being received by Sri P. J. Lowis, Deputy Inspector-General of Police (Southern States) and Commandant, M. S. P.

Mrs. Thirumalpad (wife of the Judicial Commissioner, Manipur) distributing the gift parcels to the men.

The Commandant, Malabar Special Police, handing over a purse of Rs. 1000/- (contribution of the Unit to the National Defence Fund) to the Chief Commissioner.

Madras Branch, for their kindness in sending the gifts and also the Chief Commissioner for his participation in the function as well as for the donation of Rs. 251/- to the unit welfare.

The MSP band (Battalion II) was in attendance and the function was a great success and impressed the invitees very much. The function was given good publicity in the local dailies.

2. *Barrackpore, Telippara, Teesta, Tores, Hassimarah and Badograh, West Bengal:* The Tamil New Year's Day/Vishu which fell on 14—4—63 was celebrated by the Madras Armed Police Battalion at Barrackpore, the Battalion Headquarters, and also at Telepara, Teesta, Torse, Hassimarah and Badograh, the Head quarters of the Companies on detachment duty in North Bengal. In all these functions prominent local persons, officials of West Bengal State, Army Officers etc., were invited and their response was most gratifying. The gift parcels consisting of sweets, Bannana chips, Supari, Appalams, pickles, coconut oil, gingely oil, greeting cards, towels and soaps presented by the Madras State Police Families' Welfare committee with the courtesy of the President Srimathi Lalitha Balakrishna Shetty were very much appreciated by all the personnel of the Battalion and also impressed the public and local officials.

Brief details of the celebrations of the function at the various places are given below :—

Barrackpore : The function was organised at the Assembly Hall of the Police Training College and it began at 8.00 a.m. with prayer by Accountant M. R. Srinivasan. Sri U. Mukherji, I. P., J. P., Inspector-General of Police, West Bengal presided over the function and Srimathi Biva Mukherji inaugurated the celebrations by lighting a 'Kuthuvilakku'. The valuable articles received from the President of Madras State Police Families' Welfare Committee were tastefully exhibited at the place of the function. Srimathi Mina Gupta, wife of Sri R. K. Gupta, Deputy Inspector-General of Police, Armed Police, Training and Borders distributed the gift articles to the personnel of 'D' and Headquarter companies and Ministerial staff. Besides the above, there were four gift parcels presented by the Women's India Association for being distributed — 2 to 'D' Company, 1 to Head Quarter Company and 1 to Ministerial staff. Lots were drawn by Srimathi Biva Mukherji and the following are the prize winners of gift parcels :

1. 'D' Company ... P. C. 374 Anandan & P. C. 1074 Padmanaban Nair.
2. H. Q. Company ... Sri M. P. Appa Nambiar.
3. Ministerial staff ... Sri M. S. Ramaswami.

The Commandant, Madras Armed Police Battalion welcomed the distinguished guests and invitees. He also explained the object of the celebration and brought to the notice of the gathering that though the Battalion personnel had been separated from their families at the moment, they felt happy

that they were given an opportunity to serve the Motherland in her national emergency. He also thanked the Madras State Police Families' Welfare Committee and all concerned for having thought it fit to remember them and gratefully expressed happiness and contentment of the Battalion personnel for the special interest taken by the Inspector-General of Police, Madras, and the Government of Madras in the welfare of themselves and their families. Sri K. Ramamurthi, Assistant Inspector-General of Police, Madras participated in the function. His presence was of great encouragement to the personnel in the absence of the Inspector-General of Police who could not come due to unforeseen circumstances. The function was well attended by the local gentry, ladies, police and Army officials etc. The President in his speech appreciated the services rendered by the Madras Armed Police Battalion in West Bengal and also praised the President of the Madras State Police Families Welfare Committee and the Inspector-General of Police, Madras, for the keen interest taken in the welfare of their personnel on border duty, for keeping them happy and contented and for the valuable parcels sent on the occasion. The Police Training College band was in attendance. The function was followed by a breakfast with our favourite dishes of Idly and Sambar, Masala Dosai, Vadai, sweets etc. which was greatly relished and much appreciated by the invitees. There was a light entertainment of 'KOL-KALI' by Malabar Special Police personnel and this was also well received. A lunch was got up on a grand scale. Sri R. K. Gupta, Srimathi Mina Gupta, and other officials participated in it along with the company personnel. The officers and men thus celebrated the New Year very happily.

3. *Telepara :* Telepara is the Headquarter of 'I' company detachment. The function was celebrated at one of the big bashas of the company near the airfield. The celebration was commenced with a prayer song by one of the Company personnel. Sri Budhu Bagat, local M. L. A. presided over the function and distributed the gift articles to the Company personnel. Sri Coelho, Assistant Commandant, welcomed the gathering, while Sri Ramachandran, the Company Commander proposed a vote of thanks. Lots were drawn for the two prizes in the presence of the company personnel and the following were the prize winners :—

1. P. C. 1798 Vaiyan and 2. P. C. 568 Singaram. The President then presented the gift parcels to them.

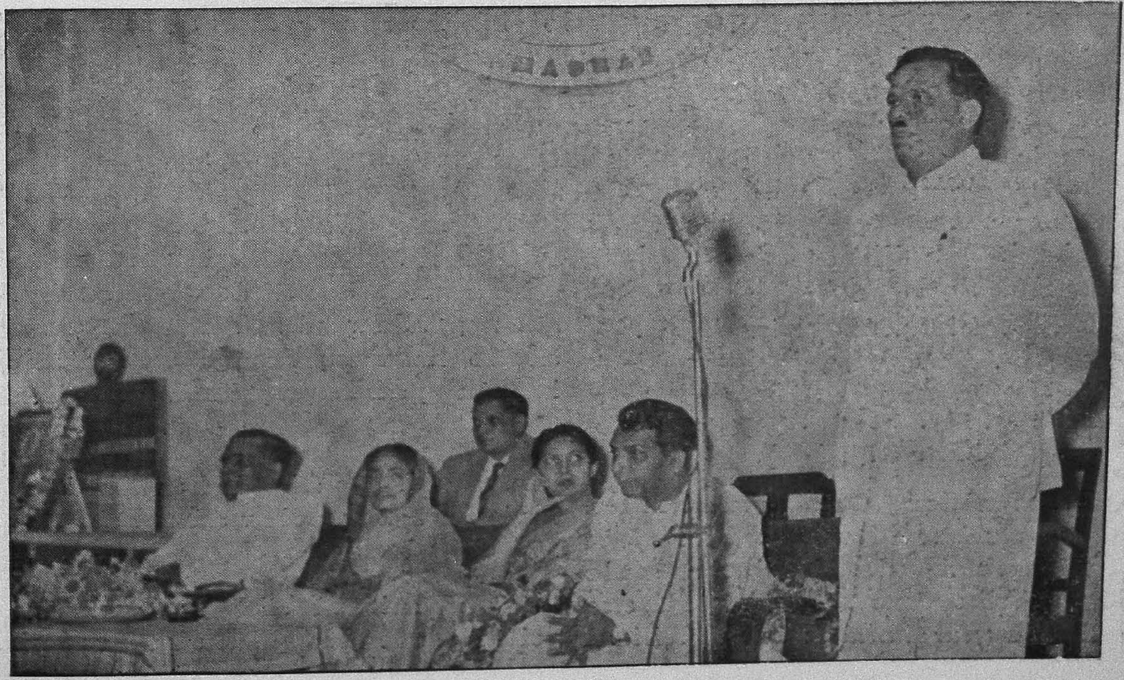
The function was followed by a breakfast which was fully attended by the invitees and the company personnel.

4. *Teesta :* Teesta is the Company Head quarters of the 'B' company detachment, near the borders of Sikkim. There was a good gathering including local tribe members. Sri A. K. Dutta, the District Forest Officer, presided over the function and Srimathi Mayadevi Lama of the Indian Red Cross distributed the gift articles. Lots were drawn and the following were the prize winners :

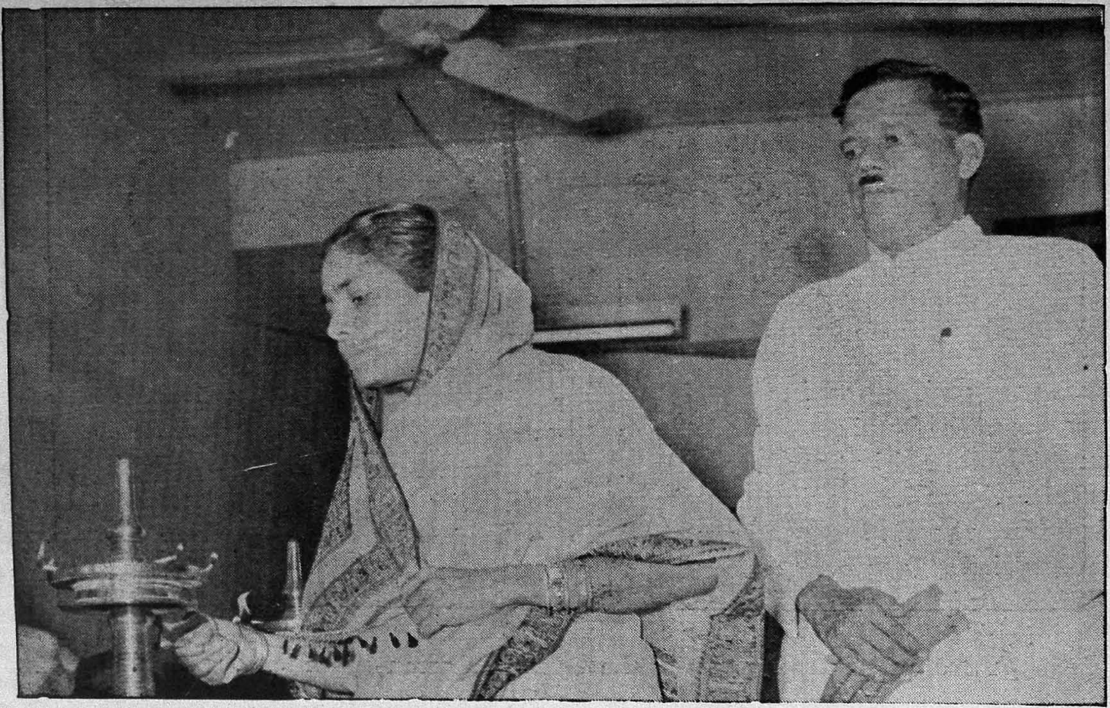
1. P. C. 800 Krishnan and 2. P. C. 742 Devavaram.

Sri M. Ramachandra Menon, Assistant Commandant welcomed the gathering and

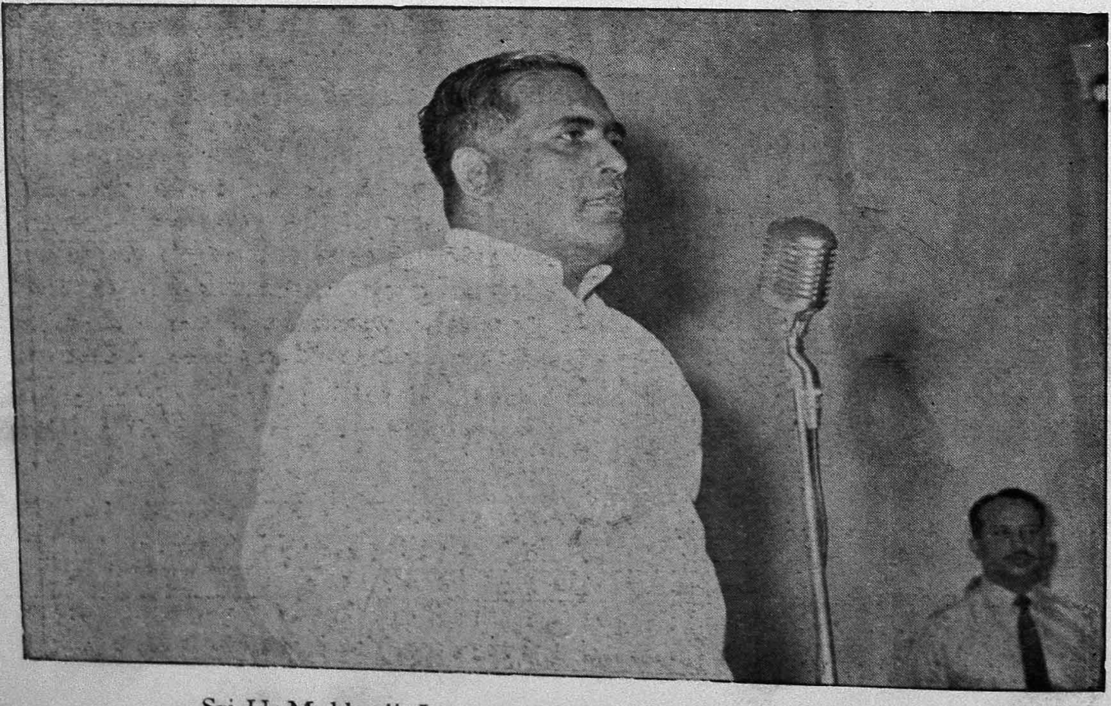
A Section of the invitees at the buffet-tea arranged on the occasion.



Sri Nagalingam, Commandant, Madras Armed Police Battalion welcoming the distinguished guests and invitees.



Srimathi Biva Mukherji, wife of the Inspector-General of Police, West Bengal, inaugurating the function by lighting a 'Kuthuvilakku'.



Sri U. Mukherji, Inspector-General of Police, West Bengal, addressing the gathering.

Sri Sydney Noone, the Subedar proposed vote of thanks. The function was followed by a good lunch and this was appreciated very much by the Company personnel and the invitees.

5. *Torsa :* Torsa is the Company Headquarters of 'C' company detachment or railway-cum-road bridge guard duty. Inspite of heavy rain many attended the function. Mr. Pulitera, Superintendent of Hassimarah Industries presided over the function and his wife distributed the gift articles and prizes. The invitees included some of the European Managers of the tea estates and their families. Sri K. Raman Nair, Assistant Commandant welcomed the invitees and Sri Jamuna Reddy, the Subedar, proposed a vote of thanks. The function was followed by a sumptuous breakfast in which Tamilian dishes like Masala Dosai, Idly with Sambar etc. were served which was very much liked. There was a small entertainment and the same was also appreciated. The following got the prizes in the lots drawn.

1. P. C. 1629 Manickam and 2. P. C. 1057 Palaniswami.

6. *Hassimarah :* Hassimarah is the Headquarters of 'F' company, bordering Bhutan. The function was celebrated in one of the bashas constructed by the Company personnel near the airfield. The whole area was delightfully decorated with paper flags and cuttings. Mr. Pulitera, Superintendent of Hassimarah Industries who is the key figure in this area presided over the function and his wife distributed the gift parcels and prizes. Lots were drawn and the following personnel got the prizes.

— 1. P. C. 944 Manisiva Menon and 2. NK. 1001 Krishnan Nair.

Sri M. Veluswami, Assistant Commandant, welcomed the distinguished guests and invitees and Sri Ramakrishnan, Subedar, proposed vote of thanks. The function was followed by a good lunch in which the Chief guest and other gentlemen and ladies including Army officials took part. There was also a small entertainment later, when P. C. Arjunan's mimicry was well received.

7. *Bagdogra :* 'E' Company is having its company Headquarters at Bagdogra, where there is an important air field. The function commenced with bhajana and later there was a grand feast in which about 250 persons participated including 100 invitees, many of them Army Officials, the local gentry and aerodrome staff. The invitees and the Company personnel appreciated the lunch very much. The Assistant Inspector-General of Police, Madras and the Commandant attended the lunch at this place. Lots were drawn and the following got the prizes :

1. P. C. 540 Narayanan Nambiar 2. Follower 21 Kunhikuttan Nair.

The two ingredients of success are human efforts and the grace of God.

—Dr. Radhakrishnan.

*CRIME AND THE CRIMINAL

BY

D. DHAIRYAM

In the ultimate analysis, every facet of criminology is a product of social condition. The criminal, whatever his hereditary and constitutional predisposition, pursues his criminal career largely as a reaction to social pressures. The judiciary, the police, and the penological institutions are directly sanctioned by the public in a democracy. Public co-operation is vital in the prevention of crime and in the correction and rehabilitation of the criminal. An informed public is the only stimulus that can bring about the much-needed revolution in our approach to crime and the criminal.

The Indian Academy of Applied Psychology at its recent conference in Madras made its study of criminology as broad as possible by including participants from the police, the judiciary, the law, the prisons and its allied services, social work etc.

A psychologist, reviewing the researches and studies in the field, declared that neither the eradication of poverty nor the increase of education had brought about the expected decline in the rate of crime. He questioned the usefulness of prisons in correcting the criminal. The case for probation appears equally tenuous because the individual is returned to the same community where the causes that produce delinquency remain intact, or the culture in which he was unable to get status, recognition and personal satisfaction remains unchanged. Guidance clinics have done more effective and fruitful work to improve many a youth and child suffering from severe maladjustments, but nothing substantial can be achieved by these clinics in the case of normal delinquents.

A criminal lawyer stressed the importance of the training of police officers in the investigation of criminal cases. He quoted Soderman: "A good interrogator must therefore be highly experienced with the keen apprehension of the psychology of the questioned person, thus being able to understand his mentality and behaviour from moment to moment. Seriousness, kindness and understanding are most necessary. To force the witness to give information or a suspect to admit his guilt by threatening him, frightening him, injuring him or by giving him false information regarding the state of the investigation is discreditable, unnecessary and unwise".

Rehabilitation

A senior police official said that the police should not remain content with being

By kind courtesy of "The Sunday Standard"

called the long arm of the law. The additional responsibility of rehabilitating the criminal served a two-fold purpose; that of making a useful citizen and that of eradicating crime. Apart of the police force being in this respect the agency of social advance, such efforts are bound to yield rich dividends in the control of crime. They have closely followed the Western concepts of rehabilitation and have begun to give a new orientation to the police duties and responsibilities in the field of correction and rehabilitation of criminals. Police officers in the State are encouraged by the University of Madras to brush up their knowledge of police science and to know the modern trends in penology, criminology, probation, after-care and rehabilitation.

A psychologist pointed out the usefulness of the deceptograph or the lie detector in crime detection. It is an instrument for graphically recording the physical responses to emotional reactions, one of the purposes of which is to detect attempts at deception. Several physiological responses take place under emotional conditions. Of these, most of the deceptographs that are commonly used today measure only three or four responses-respiration, electrodermal, pulse rate and relative blood pressure changes. These are the four that have received the greatest attention by professional examiners and have acquired considerable recognition for reliability in criminal and delicate personnel screening examinations. The lie detector tests, when conducted by competent and experienced operators, are of considerable practical utility.

A forensic science expert from Calcutta presented an interesting paper on the chemical composition of body fluids and its relation to crime. An intimate relationship between the amount of sugar present in the blood and the social behaviour of man has been established. Where the individual's blood sugar is low, either constitutionally or under the influence of insulin, he is predisposed to commit a crime. Another important component of the blood which influences social behaviour is calcium. Calcium deficiency may produce anti-social attitudes. Calcium-deficient individuals are usually high-strung and emotionally unstable. They cannot stand criticism.

An investigation into the body chemistry of the inmates of Sing Sing prison (U. S. A.) led to some interesting revelations. Robbery and burglary were associated with lack of pituitrin and parathyrin. In fraud, there was an increase in thyroxin and in forgery there was too much of thyroxin and oestrogens.

Young offenders

A senior officer from the Prison Administration discussed Borstal schools. *A Borstal is anything but a prison.* It is a place where persons under the age of 21 are confined and training based on an educational process is given to the adolescent offenders. Borstal jails do not have high walls or cells or bars for doors. Plenty of free open space and recreational grounds have been provided so that an atmosphere of enthusiasm and cheerfulness may be created. Unfortunately in Madras State *we have only one Borstal school, and even in this school*

sufficient number of boys are not being admitted. The courts invariably send quite a number in this age group to prisons instead of Borstal schools on the plea that they are tno suitable to be kept in Borstal institutions.

A Superintendent of Approved Schools felt that the schools were doing excellent work in re-educating delinquent boys in constructive ways of living. Cases of recidivism are at a minimum.

A psychiatrist stated that in many cases the courts did not consider *bona fide* pleas of mental illness on the part of the defence. One such case was that of a young bank clerk living happily with his wife and six young children. On the night of the tragedy his neighbours heard peculiar noises in the house, approached it and found the clerk standing near the gate holding an iron pestile in his hand. He told them without any trace of emotion that he had "closed" every one of his family. The defence raised the plea of temporary insanity for the murders.

The lack of motive, the manner of the crime and the absence of effort to hide the crime were mainly relied upon for this plea. The judge did not accept the plea. The judge pointed out that the accused knew the nature of the act from his statement to his neighbours about having "closed" all the family members. He was awarded life imprisonment.

While serving his sentence, mental symptoms were noted by the prison medical staff and the prisoner was referred to the mental hospital. He confided to the mental hospital staff that he was subject to fearful delusions. He felt he was being surrounded by enemies with the intention of killing his family. Not wanting to leave his family to their mercy he had killed them himself.

Psychiatry and law

Another paper also dealt with psychiatry and law. The community reaction to the criminal is one of rejection. The criminal arouses anxiety among the general public. This is not so much because he has committed a specific crime as because any crime is the materialisation of what the law-abiding wish to deny, namely that within themselves are latent many criminal ideas and wishes.

When the trial is over the criminal is quickly put out of sight. He still has the symbolic value of a contagion. He may be reformed, but there is no way to reform the irrational beliefs of the law-abiding.

To treat criminals with commonsense one must classify them as among the mental ill. There are two major ways of resolving a psychological conflict. In the autoplastic resolution the rebellion against society and destructive reaction is absorbed internally. This results in mental illness in the alloplastic resolution, the rebellion and its destructive reaction are directed outward. This results in criminal behaviour.

A psychologist declared that all research work in the field of crime pointed to the conclusion that emotional instability is related to criminal behaviour. He had made research studies of delinquents from approved schools and Borstal schools in Madras State. When he had compared

them with normal boys of the same age group and social and economic background he had arrived at the same result.

An expert in criminal studies emphasised that criminal law has yet to appreciate fully the mass-character of modern society. It is common to observe the phenomenon of mass-stealing in industrial establishment, dockyards, etc. At present, criminal law procedures permit only separate trials and not joint trials in such cases.

The delegates, as a body, made several practical recommendations for the better application of the principles of criminology and stressed the fundamental importance of research.

See, how the busy little bee,
Improves each shining hour,
And gathers honey all the day,
From every opening flower.

—*Isaac Watts.*

LEGAL CAUSERIE

BY

Sri T. K. VENKATRAMAN, B.A., Asst. Law Instructor, P.T.C., Vellore.

I

JUDGMENT IN SESSIONS CASE No. 41 OF 1962 OF THE COURT OF ADDITIONAL SESSIONS, MADRAS.

Accused Frederick, who stood charged with an offence of dacoity under Sec. 395, I. P. C., along with five others for having committed dacoity on 20th June 1962 at the outer signal of Washermanpet Railway Station by removing 75 pig iron pieces from an open railway wagon and pelting stones on two Rakshaks of the Railway Protection Force, was acquitted.

The facts of the case are that at about 5-10 P. M. on 20th June 1962 a goods train from Tondiarpet proceeding to Royapuram stopped at the outer signal of the Washermanpet Railway Station near a railway crossing gate which had been closed. On both sides of this level crossing gate people were standing. One of them was P. W. 4 Khader Mohideen, a trader in second-hand paper and iron. Sri Yessiah P. W. 1 and Sri Munirathnam P.W. 2 who are Rakshaks in the Railway Protection Force were at that time patrolling the railway track at that place. They found the accused and five others removing pig iron pieces from an open wagon and throwing them on both sides of the track. Of the six persons, they knew four of them including the accused and two others were unknown to them. On seeing P. Ws. 1 and 2 the culprits got down and pelted stones on them. Meanwhile Sri Gafoor Khan, P. W. 3 Havildar, P. W. 5 Govindan Nair and P. W. 6 Sanjeevi — Railway Police constables came there. They saw one of the six accused trying to beat P. W. 1 with an iron piece and in self-defence P. W. 1 stabbed Seni with his bayonet two or three times. Seni also tried to beat P. W. 2 but P. W. 2 hit him on the head with his rifle and as a result, he fell into a ditch. P. Ws. 1 to 6 rendered first-aid. P. W. 3 the Havildar went to Korukupet Railway Outpost and phoned up the Emergency Police and informed Inspector Rahmatullah, who came to the spot and took the injured in the emergency van. P. Ws. 1 and 2 along with P. W. 5 went to Royapuram Railway Police Station where P. W. 1 gave a report marked as Ex. P-2 and a case was registered in the first information report marked as Ex. P-9 by P.W. 11 the head constable.

The Inspector of Police Sri Langton P. W. 12 on getting a phone message from Korukkupet outpost went to Royapuram Police Station and took up the investigation. He filed a charge-sheet against the four accused on 6th July 1962. As this accused was absconding the case was split up. On his arrest on 5th September 1962 the case was proceeded with.

The accused pleaded alibi and denied any knowledge of the occurrence.

Commenting on the failure of the investigating officer in not examining all material witnesses during the investigation and trial and in not recording himself the statements of witnesses at the time of examining them and in not seizing and producing all relevant records connected with the case, the learned Judge has adversely observed as follows:—

As spoken to by P. W. 5, he detained four or five persons who stood opposite to the wagon wherefrom theft was committed as they were not willing to give their names except when the officer came. As to what happened to these persons nothing is known. According to P. W. 6, the other Police constable who guarded the place till the Inspector of Police (P.W. 12) came he alone was at the place till 9-30 P. M. He does not speak to these five mysterious persons.

Paragraph 11.—Inspector, Rahmatullah (not examined) was the Police Officer to arrive at the spot before Inspector Langton (P. W. 12) could take the investigation. It is this Rahamatullah who has taken the injured Seni to the Stanley Hospital. Dr. Gasper (P. W. 8) when examined said, Seni could not get his name but he was informed by Inspector Rahamatullah that the injured person was making some disturbance in the railway track near Korukkupet and was injured by the constables. This Rahamatullah, though cited in the charge-sheet and though was present at the time of hearing, was not examined by the prosecuion. I am therefore left without explanation for the statement of this Police Officer made before the doctor. The Havildar, P. W. 3, phoned up the Emergency Police and informed his Inspector viz. Inspector Rahamatullah. Inspector Rahmatullah must have, therefore come to the spot on hearing about the incident. What did P. W. 3 tell the Inspector and the Emergency Police? Here again, the prosecution is not willing to place all the cards on the table. The phone message book of Emergency Police had not been seized by P. W. 12 though he will say that he perused it. The person who recorded this message has also not been examined. There is, therefore, no possiblity of knowing what the message of P. W. 3 to the Emergency Police was and what message he phones to his Inspector Rahamatullah. If Inspector Rahamatullah has been told by P. W. 3 of the dacoity and the injury to Seni by the Rakshaks, it will be strange thing if Inspector Rahamatullah tells the doctor that Seni created some disturbance and sustained injuries at the hands of the Rakshaks in self-defence. It was the suggestion by the leanred Counsel for the accused that Seni was drunk and created some disturbance and in a scuffle between the Rakshaks (P. Ws. 1 and 2) and Seni, P. Ws. 1 and 2 caused him injuries. At least a portion of this suggestion is borne out by the evidence of the doctor (P. W. 8) who says that when he examined Seni he found him drunk and under the influence of alcohol. The non-examination of Inspector Rahamatullah coupled with his statement made to the doctor (P. W. 8) creates a suspicion if P. W. 3 could have informed the Inspector of the dacoity.

Paragraph 13. — As pointed out earlier, there was enough time for the complainants, P. Ws. 1 and 2 to think about the names of

persons who according to them have committed the offence. As spoken to by P. W. 1 he had known the present accused for about two months when the other witness knew him for about 2 years. According to P.W. 1, the accused herein tried to commit theft several times and he has informed about him to his superior officers inclusive of Inspector Rahamatullah. If really P. W. 1 knew of the attempts of the present accused to commit theft, Inspector Rahamatullah must have investigated and taken steps to bring him before a Court of Law. I am not privileged to know as to what this Rahamatullah did and if P. W. 1 did complain against the accused at any time before, as the Inspector has not been put into the witness box. A word about the manner in which the investigation had been conducted may not be out of place at this juncture. The Inspector of police (P. W. 12) claims to have investigated this case. He began by stating that the statement of witnesses recorded in Tamil were regarded by the Sub-Inspector who was sitting in Court near the Public Prosecutor (This Sub-Inspector was all along assisting the Public Prosecutor during the trial though he is cited as a witness in the charge-sheet on account of his taking part in investigation and as he has examined one witness himself). Asked by court as to why he had the statements recorded by the Sub Inspector and not write them himself, he stated that he did so as his handwriting was bad. He stated in cross-examination that he wrote the English statements himself though he did not record the statements of doctors in their presence. This admission shows that the statement of witnesses had not been recorded by this Investigating Officer according to Sec. 161 Cr. P. C. Again he changes his version and says that he took the statements of the doctors in his note-book and after coming to the Police station elaborated them by having them typed by his head constable and that those note-books are in his Police Station. Dr. Gasper P.W. 8 says that it was Rahamatullah who examined him on the same day and recorded his statement. He will also say that on the next day some Police Officer interrogated him but did not record any statement in his presence. It is therefore clear that P. W. 12 did not record the statement of P. W. 8 in his presence. This also creates a suspicion. It was brought out in the examination of this Inspector that the injuries of Seni whom he examined were grievous. Ex. P-6 are the entries in the accident register recorded by the doctor (P. W. 8). Though this doctor now stated to the court that the injuries are simple, according to P. W. 12 the doctor told him that they were grievous. This apart, the Inspector admitted to a Court question that he did not record any statement of any witness and even the English statements were recorded only by the Sub Inspector. He gave a curious procedure, which he says, he has been adopting till now. His procedure is that at the time when the witness is examined his statement is not recorded but the statements are reduced to writing only after all the witnesses had been examined and no notes will be taken when the witnesses are first being examined. He also admits that a second time each witness will be asked to narrate that which he previously stated and then only the statement of the witness was reduced to writing. How far this peculiar procedure is warranted by law is not for me to say as the impropriety

is obvious on the face of it. If, therefore the statements of the witnesses examined in this case were recorded by the Sub Inspector after all witnesses had been examined, not much importance can be attached to the statement so recorded, copies of which have been furnished to the accused. If this procedure was really adopted in this case, I am inclined to think that the Police wanted to have their own version and wanted to see that the evidence of one witness did not conflict with that of the others. P. W. 1 admits that when examined by P. W. 12, he gave the father's name of the accused as Anderson. P. W. 2 says that he did not give the Police Officer the father's name of the accused or that he had known him before. P. W. 3 claims that he told the Inspector not only the name of the father of the accused but also the address of the accused. P. W. 4 also on his own admission did not tell the address of the accused or the father's name of the accused, or that he knew him for two years. P. W. 5 says that he told the Inspector that the accused was the son of a T. T. R., that he knew him and also gave his address. P. W. 6 says that he told the Inspector the address of the accused as also his father's name. The Inspector of Police (P.W. 12) had first stated to a Court question that he himself has known the accused for one year and knew his father's name and residential address, that he searched the accused's house six times but the case diary showed only two days i. e., 20th and 21st June 1962. He also stated that no witness was present at that time, that he did not obtain a search warrant from a Magistrate nor did he intimate to a Magistrate about his search. The impropriety of this procedure also, it is hoped, will be pointed out by his superior officers. Further on, he stated to another Court question that he began to write his case diary at 1 a. m. on 20th June 1962. But that time he examined 24 witnesses and recorded their statements and none of them told him the father's name and address of the accused though he had recorded the name of the father of the accused and address in the case diary even in the opening page under the column 'accused'. When confronted with the details given in the first-sheet of his case diary with regard to the address and father's name of the accused he explained by saying that P. Ws. 1, 2, 5 and 6 gave him those details. When he was further confronted that their statements is recorded in the case diary, he admitted that their statement do not contain those details. Further he stated that the Sub-Inspector recorded their statements to his dictation and the witnesses who at first gave the details did not give them when they were examined and their statements were reduced to writing. He also says that till now the accused had not been convicted in any previous case, but he has been raiding his house as his name was in the K. D. list. This last answer of the Inspector (P. W. 12) in my opinion, gives a proper clue as to how the case diary even at the first page contained the name, the father's name of the accused and address of the accused. It appears to me that the investigating officer had written these details without reference to the statements of the witnesses. In the manner in which the statements have been recorded and in view of all circumstances referred to above, a genuine doubt is created in my mind if the accused had participated in the offence at all.

The evidence of P. Ws. 1 to 6 in my opinion is not beyond doubt. To add to this, there is the version of D. W. 1 who says that the accused was in her house from 14th June 1962 upto 3rd September 1962. D. W. 1 was a person who met the accused and his family when she and her husband went to Nagapattinam on a pilgrimage and became friends with them. She says that the accused came and stayed in her house in search of a job and that she and her husband who was employed as a fitter in the Engineering Workshop of the Railway tried to get him a job but could not. Nothing was elicited against this witness in cross-examination and it is not possible for me to brush aside the evidence of D. W. 1 as untruth. I therefore hold that the prosecution has failed to bring home the guilt to the accused in this case. The accused is therefore acquitted "

II

Judgment in S. C. No. 56 of 1962 of the Court of Sessions North Arcot District, Vellore, in Santhavasal Police Station Cr. No. 92 of 1962, Sec. 302 I. P. C.

The accused Chinnaiyan, who stood charged for murdering Nadupaiyan alias Vellai by shooting him with an unlicenced single barrel-muzzle-loading gun, on the night of 4th June 1962 at Puliamarathur in Javadi Hills, under Section 302 I. P. C. was acquitted.

The prosecution is that the deceased was having illicit intimacy with the wife of the accused, that the accused became aware of it, that a few days before the occurrence he threatened to cut the deceased and that subsequently on the night in question when the deceased was sleeping on wooden planks in the field shed at Puliamarathur, he shot him with a gun. On the night in question, the deceased took food in his house and went away to sleep in the field which was about half a furlong from it. By about midnight, his wife P. W. 1 heard a gun shot noise. It was also heard by P. W. 3, Chinnapaiyan, a neighbour of the deceased. On opening the door, P. W. 1 found her husband rolling on the ground crying. She noticed the wounds on the right and left flanks. There were two entry wounds on one side and two exit wounds on the other and in one of them there was a pellet. His cries attracted the attention of the neighbours P. W. 3, Chinnapaiyan, P. W. 5 Thumbukuttan, P. W. 6 Ooran, P. W. 7 Dadikaran, P. W. 10 Nattan and P. W. 11 Kullan and when they came there, the deceased told all of them that Kuppichoor Chinnapaiyan shot him and ran away and that his father may be intimated and then expired.

P. W. 2 Thatha Gounder arrived from Korattur and sent information to the village munsiff through P. Ws. 3 and 6 and his eldest

son. The village munsiff arrived at noon and demanded Rs. 50 to send a report. A sum of Rs. 40 was paid. A report was drafted and P. Ws. 1, 2 and 6 affixed the thumb-impressions to it. The villige munsiff than told P. W. 2. and others that he did not believe the version of the deceased in regard to the name of the assailant and if he was paid Rs. 500 he would get the Police dog. A sum of Rs. 400 was paid to him. The village munsiff received the amount and told P. W. 2 and others that the dead body of Nadupaiyan besides the blood-stained clothes should be burnt. His directions were carried out.

The Sub-Inspector of Police, Santhavasal, on receipt of an anonymous letter, recorded a statement from P. W. 1 on 20th June 1962 and registered a case.

On 21st June 1962, the Inspector of Police requisitioned the presence of the Special II Class Magistrate at Polur for exhuming the remains of the deceased, and hold the inquest. All of them went to the burial ground and seized the half-burnt bones and also the pellet at the inquest held.

The Sub-Inspector later arrested the accused and recovered the alleged gun also. The pellet, M. O. 4 was sent for chemical analysis. But when it was sent back to the Committing Court, a wrong pellet has been sent. Not knowing it, the wrong pellet was identified by the Special Second Class Magistrate as the one that was recovered from the burial ground.

The learned judge has adversely commented upon the failure of the village munsiff to report the case and identification of a wrong pellet by the Special Second Class Magistrate in Committal Court.

Paragraph 20. -Evidence has been adduced on the prosecution side to show that though the village munsiff P. W. 12 was informed about this occurrence and was also paid a substantial sum of Rs. 40 to make a report to the Police and a sum of Rs. 400 to get the police dog to find out the person who had committed the dastardly act, he did not report it to the Police. According to the village munsiff (P. W. 12) who was not treated as hostile by the prosecution, the report that was given on the night is Exhibit P-1. We have the thumb-impression of P. Ws. 1 and 2 and another in it, but a reading of it would clearly show that it could not have been the complaint made by any one of them. They are assuring to live in a peaceful manner, an absolutely uncalled for assurance at that time. The father who had lost his son and the woman who lost the husband, would certainly be anxious to report to the village munsiff about the death and ask him to take the needed steps. There is no doubt that P. W. 12, the village munsiff, did not conduct himself in the proper manner and had taken full advantage of the illiteracy of P. Ws. 1 and 2 and the other person who had affixed thumb-impressions in it and prepared a kind of report to strengthen his failure to report the matter to the Police. P. W. 19 Murugesan has also spoken about the amount that was paid to the village munsiff. He has written Exhibit P-7 in regard to the recovery of part of the amount. But the defence counsel pointed out that the theory of payment of Rs. 400 to the village munsiff to

get the Police dog would only weaken the prosecution case. If there was such an oral dying declaration by the deceased to as many as seven persons referring to the fact that it was the accused that shot him, we cannot expect P. Ws. 1 and 2 to be anxious to get the Police dog to find the culprit. In cross-examination, P. W. 5, who is one of the persons who has spoken about the dying declaration, said that they all wanted the Police dog to be brought to find out the real culprit.

Paragraph 24.—It was elicited from the fire-arms expert P. W. 21 that the pellet M. O. 4 which was recovered from the burial ground at Puliamarathur in the presence of P. W. 4, the Special Second Class Magistrate at Polur and others, could have been discharged from the gun M. O. 6. His evidence in cross-examination was that it could be discharged from any gun. That apart, there is no satisfactory evidence to show that it was M. O. 4 that was recovered from the place where Nadupaiyan's body was burnt. True, P. W. 1 and some other prosecution witnesses have stated that they saw on Nadupaiyan's body two entry wounds on the left flank besides two exit wounds on the right flank and that in one of them a pellet was sticking to. The responsible officer who was present at exhumation, i.e. P. W. 4 identified some other article as the pellet seized when he was examined before the Committing Magistrate. He attempted to explain it away by saying that something was shown to him from a distance and he was asked whether he had recovered the pellet and that his answer was in the affirmative. It cannot be said that the person in charge of the prosecution in the lower court was so indifferent and something was put before the witness without giving him an adequate facility to see the same. P. W. 20, the karnam who was present at the place where the pellet was seized has also deposed in the lower court that the spent bullet is M. O. 4 of the court-vide Exhibit D–10. The clerk P. W. 22 who packed up the articles and sent them for chemical analysis, no doubt stated that it was M. O. 4 that was sent and that no other pellet was sent. It has been elicited from him that in September 1962, (after the case was committed to this court in August) that the Sub-Magistrate at Polur got the letter Exhibit P–14 to the effect that a wrong pellet had been despatched to the court, that the correction slip Exhibit P–22 was also received. It may be concluded that a mistake was committed at the other end, i.e., at the Chemical Examiner's Office, in regard to the despatch of the item, but one cannot understand how the witness P. W. 4, a responsible Special Second Class Magistrate, who was entrusted with the duty of having the exhumation done at Puliamarathur and who also held the inquest would say that something else was the pellet that was actually taken from the cremation ground. P. W. 20, the karnam identified in committal court some other pellet as having been recovered. According to P. W. 24, the Investigating Officer, it was P. W. 8 that checked up the ashes in the burial ground and produced M. O. 4 before the Tahsildar. But the witness did not speak about this aspect of the prosecution case at all. Thus in the committal court P. W. 4 had identified some other pellet as one that was recovered from the burial ground and

now he would say, after the Chemical Examiner had sent the letter that a mistake had been committed in regard to the despatch of the pellet, to the Sub Magistrate's Court, that it was M. O. 4 that was actually recovered. What was marked in the committal Court as the pellet was not marked in this court at all. Thus the recovery of M. O. 4 would not in any way strengthen the prosecution case.

(Extract from Legal Supplement to the Madras Police Gazette, March 30th, 1963.)

If mankind is to make worthy use of this growing mastery over nature,
he must know how to master himself.

—Lord Beveridge.

Crime Statement for the quarter ending 30—6—1963 in Madras State

Serial No. (1)	Name of District (2)	Area in sq. miles (3)	Population (4)	Total number of crimes (5)	Offences relating to coins (6)	Offences relating to currency and bank notes (7)	Murders (8)	Kidnapping (9)	Dacoity and preparation and assembly for dacoity (10)	Robbery (11)	House-breaking (12)	Theft (both ordinary and cattle) (13)	Criminal Assault (14)	Total number of juveniles concerned (15)	Policemen per 10,000 population (16)	Remarks
1	North Arcot	4,654	31,41,983	900	—	—	1	9	3	4	344	548	—	116	—	
2	South Arcot	4,204	27,76,767	1,637	—	—	11	10	—	1	187	656	62	26	3	
3	Chingleput	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
4	Coimbatore	6,024	35,41,401	511	—	—	28	9	1	1	140	298	—	34	5	
5	Kanyakumari	646	9,97,000	532	—	—	2	5	—	—	50	105	49	12	6	
6	Madras City	49.4	17,28,892	1,116	—	1	3	11	—	—	50	633	83	54	22	
7	Madurai North	3,099.24	16,22,989	887	—	—	15	3	—	1	84	179	—	13	6	
8	Madurai Urban	1,769.76	12,68,828	2,967	—	—	9	5	—	4	55	370	29	129	12	
9	Nilgiris	1,098.14	2,79,359	—	—	—	—	—	—	—	—	—	—	—	—	
10	Ramanathapuram	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
11	Salem	6,894.8	33,71,769	—	—	—	—	—	—	—	—	—	—	—	—	
12	Thanjavur	3,742.01	28,82,670	—	—	—	—	—	—	—	—	—	—	—	—	
13	Tiruchirappalli	5,514	31,69,599	1,228	—	—	16	20	—	—	122	268	9	—	—	
14	Tirunelveli	4,337	24,45,967	605	—	—	22	8	—	—	—	257	122	25	8	
15	Govt. Rly. Police, Tiruchirappalli.	—	—	183	—	—	—	—	—	1	—	151	8	14	—	

*Figures not received.

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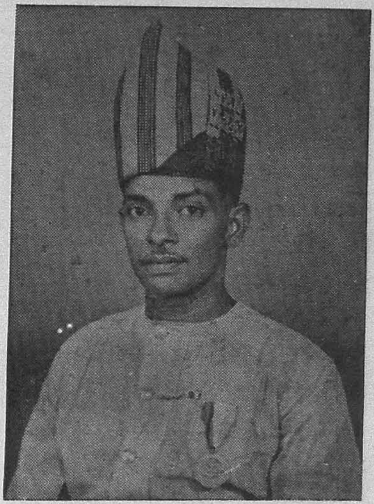
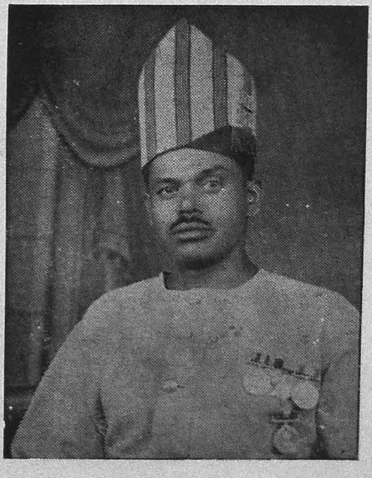
Retd. Additional Supdt.
of Police, Thanjavur.



P. C. Gopalaswamy,
Thanjavur District.



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Suitable articles on any subject of educative value or interest to the Police or which promote co-operation between the Public and the Police, are acceptable.

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